

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18851 of 2021

Arising Out of PS. Case No.-224 Year-2017 Thana- BARHARA District- Bhojpur

1. BANTI UPADHYAY @ NIRMAL KUMAR UPADHYAY Son of Raghunath Upadhyay @ Murli Upadhyay Resident of Village- Kolah Rampur, Police Station- Barhara, District- Bhojpur.
2. Pravin Sharma Son of Late Mukund Lal Sharma Resident of Village- Kolah Rampur, Police Station- Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners apprehend their arrest in connection with Barhara P.S. Case No. 224 of 2017 registered for the offence under Sections 147, 148, 149, 323, 333, 337, 307, 353, 332, 427, 504, 506 of the Indian Penal Code and Section 3 of the Prevention of Damage of Public Property Act, 1984.

The prosecution story in nutshell is that one Bus met with an accident causing death of one person, due to which mob damaged



the vehicle and assaulted the driver and when Police party came there, there was pelting of stones on the Police party. Petitioners have not named in the F.I.R. There is no specific allegation of assaulting the Police officials.

From perusal of F.I.R., it is apparent that the petitioner no. 1 namely Banti Upadhyay @ Nirmal Kumar Upadhyay, who is alleged accused to instigate the mob to assault and surrounded to the Police officials and this petitioner has criminal antecedent. From perusal of para-3 of the petition, it shows that he involved in three cases.

This Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1 namely, Banti Upadhyay @ Nirmal Kumar Upadhyay.

The prayer for anticipatory bail to the above named petitioner no.1 is rejected.

So far as petitioner no.2 namely Pravin Sharma is concerned, there is no specific allegation of assault and instigation to the mob against Police officials. There is fit case for grant of anticipatory bail to above named petitioner no.2.

In the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Bhojpur at Ara in connection with
Barhara P.S. Case No. 224 of 2017, subject to conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

pravinkumar/-

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