

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33102 of 2020

Arising Out of PS. Case No.-143 Year-2017 Thana- SARAI District- Vaishali

1. Samresh Kumar @ Sonu Kumar, aged about 32 years, Male, Son of Sri Chandrket Singh, Resident of Village- Fatehpur Ram, P.S.- Mahua, District- Vaishali.
2. Sashidhar Kumar, aged about 27 years, Male, Son of Sri Chandrket Singh, Resident of Village- Fatehpur Ram, P.S.- Mahua, District- Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Bela Singh, Advocate.
For the Opposite Party	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 353, 427, 337, 283, 504 of the I.P.C. and $\frac{3}{4}$ of the Essential Service Maintenance Act, 1981.

The prosecution story, in brief, is that on account of murder of one individual, hundred of vehicles lying stranded in rows in both sides of road, causing interruption in maintenance



of essential service. Despite repeated efforts to persuade them to remove the blockade and permit the smooth flow of the vehicles, accused persons did not concede the request of the informant. About 300-350 accused persons damaged shops and pelted stones on the police force. Out of 300-350 persons, 50 persons were identified and named in the F.I.R.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Altogether 50 persons are named in the F.I.R. alongwith 200-300 unknown persons. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The petitioners are members of unlawful assembly. Other co-accused persons have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 37723 of 2019 under order dated 24.06.2019, Cr. Misc. No. 28372 of 2019 under order dated 30.04.2019 and Cr. Misc. No. 26189 of 2019 under order dated 23.04.2019, annexed as Annexure-2 series to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII, Vaishali, in connection with Sarai P.S. Case No. 143 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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