

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6558 of 2021

Arising Out of PS. Case No.-200 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

ADARSH KUMAR SON OF BASULI RAY RESIDENT OF VILLAGE-
DIGGHI KALA, PURBI, P.S. - SADAR (HAZIPUR), DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Sadar (Hazipur) P.S. Case
No. 200 of 2017 registered for the offence
punishable under Section 147, 148, 149, 341, 342,
323, 337, 338, 307 and 302 of the Indian Penal
Code.

The case of the prosecution in brief is that on
12.5.2017, one Manish Kumar had given
information to the informant, namely, Akash Kumar
that Rajeev Kumar along with 15 unknown persons
were quarrelling, whereafter the informant had



gone at the place of occurrence and had seen the accused persons quarrelling with Manish Kumar and Neeraj Kumar, whereafter, the said accused persons are stated to have assaulted the said injured persons resulting in them having become unconscious. The accused persons are also stated to have assaulted the informant by means of bricks and stones resulting in injuries being inflicted upon him. Three injured persons are alleged to have been thrown behind Sudha dairy in an unconscious state and subsequently, they were recovered by the police and taken to the hospital where injured persons, namely, Manish Kumar and Neeraj Kumar had been declared dead.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and the fact is that Akash Kumar and the deceased Neeraj Kumar and Manish



Kumar are veteran criminals and there is no eye-witness of the said occurrence. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by coordinate Benches of this Court vide order dated 27.7.2018 passed in Criminal Miscellaneous No. 39976 of 2018, order dated 8.8.2018 passed in Criminal Miscellaneous No. 40072 of 2018, order dated 11.10.2018 passed in Criminal Miscellaneous No. 54107 of 2018 and the one dated 28.8.2019 passed in Criminal Miscellaneous No. 31569 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted anticipatory bail by coordinate Benches of this Court, as aforesaid, I deem it fit and proper to admit the petitioner to



the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 200 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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