

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16174 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- SAKURABAD District- Jehanabad

1. Chunnu Kumar Son Of Sri Ramsewak Singh Resident Of Village- Kakhaura, Police Station- Sakurabad, District- Jehanabad
2. Ravindra Singh Son Of Late Jang Bahadur Singh Resident Of Village- Kakhaura, Police Station- Sakurabad, District- Jehanabad
3. Ravi Kumar Son Of Shivnandan Singh Resident Of Village- Kakhaura, Police Station- Sakurabad, District- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 333, 332, 188, 171F, 290, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner nos.2 and 3 are persons with clean antecedent and the informant, who is an A.S.I. alleges that while he was on duty in connection with Panchayat Election with other police personnel when co-accused Sudhir Kumar arrived at the place of occurrence and started putting pressure on the



polling party, but they did not accede to his pressure. Thereafter, the accused began scuffling with the Polling Officer, but was stopped by the police personnel. Thereafter, it is alleged that he assaulted the persons with fists and slaps and dashed them on the ground. It is further alleged that Sudhir Kumar's supporter including the petitioners and 25-30 unidentified accused came variously armed at the place of occurrence and abused and assaulted. It is alleged that petitioner no.1 and Rahul Kumar fired at the police force with a country-made gun. It is also alleged that despite police resorting the firing, the accused persons did not go back. It is further alleged that Sudhir Kumar tried to escape, but was apprehended and four motorcycle were also seized.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case on account of dispute relating to Panchayat Election. It is next submitted that as far as petitioner nos.2 and 3 are concerned, against them, the allegations are general and omnibus in nature. It is further submitted that no doubt, with respect to petitioner no.1, it is alleged that he fired at the police force, but then no cartridges were found from the place of occurrence. It is also submitted that it was the police, who resorting to firing as it has been alleged in the F.I.R. and thus, to camouflage the firing made by the police force, it is alleged that petitioner no.1 also fired when admittedly, no injury occurred from the side of the prosecution.



Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sakurabad P. S. Case No.159 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the police files charge-sheet against the petitioner no.1 after investigation, the present anticipatory bail order against him only shall lose its effect.

(Satyavrat Verma, J)

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