

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33185 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- FATEHPUR District- Gaya

1. Manoj Kumar @ Manoj Kumar Verma S/O Devendra Prasad Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
2. Ramvilas Vishwakarma S/O Late Raghu Vishwakarma Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
3. Anil Kumar Swarnkar @ Anil Prasad S/O Dwarika Prasad Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
4. Butta Swarnkar @ Bhagwan Prasad S/O Late Raghunandan Swarnkar @ Raghunandan Saw Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
5. Vikas Swarnkar @ Vikas Kumar S/O Butta Swarnkar @ Bhagwan Prasad Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
6. Vikash Keshari @ Vikas Kumar Keshari S/O Gopal Keshari @ Gopal Prasad Keshari Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
7. Rinku Keshari @ Raj Kumar Keshari S/O Arun Keshari @ Arun Prasad Keshari Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
8. Pintu Keshari @ Pintu Kumar Keshari S/O Sukhdev Prasad Keshari @ Sukhdev Prasad Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
9. Vicky Kumar @ Vikesh Kumar S/O Devan Singh Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
10. Ganauri Prasad @ Ganauri Sinduriya S/O Nanhak Sinduriya Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
11. Shrawan Tamboli @ Shrawan Kumar Chaurasiya S/O Late Vishwanath Tamboli @ Vishwanath Prasad Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
12. Golu Kumar S/O Gopal Prasad Keshri Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
13. Butta @ Rahul Kumar S/O Gopal Prasad Keshari Resident Of Village Kariyarpur, P.S-Fatehpur, District-Gaya.
14. Laddu Chaudhari @ Laddu Kumar S/O Madan Chaudhary R/O Village-Jagarnathpur, P.S-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 109, 147, 148, 149, 332, 337, 353, 153(A), 295, 295(A), 297, 427, 186, 188, 269, 270, 504, 506 of the Indian Penal Code later on Section 307 of the Indian Penal Code has been added and Section 3 of the Prevention of Damage to Public Property Act, 1984.

According to prosecution case, on the basis of written report of the informant, who is Sub-Inspector of police station Fatehpur in which he has alleged that on 01.06.2020 an information was given by the S.H.O. police Station Fatehpur that in village-Arga three people got injured in a motorcycle accident. After receiving the information he alongwith other police personnel reached the place of occurrence and found that in the occurrence the driver of motorcycle Rahul Kumar had died and by putting his dead body in mid-way the family members alongwith other persons were making noise due to that



a large crowd was assembled there and they were targeting the houses of a particular community then he informed the S.H.O. alongwith other senior police officials. After reaching the officials they tried to make the crowd understand but they did not pay any heed and also did not allow the police officials to send the dead body for postmortem. After that a large crowd of about 600 peoples war gathered there then this information was given to S.P. and S.S.P. Gaya who reached that place alongwith police force. In order to control the situation the police had to make two round firing in the air and any how controlled the situation then the extremist started fleeing away while pelting stones on the police personnel and they also damaged some police vehicles and some private vehicles and terrified the police force.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that all together 65 persons were identified to the local Choukidar and more than 250-300 unknown persons named in the F.I.R. He further submits that there is general and omnibus allegation against all the accused persons including these petitioners and there is no specific allegation of overt-act



against these petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (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 Fatehpur P.S. Case No. 109 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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