

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22676 of 2022

Arising Out of PS. Case No.-272 Year-2020 Thana- KHAJANCHI HAT District- Purnia

1. JAGDISH MAHTO SON OF FAUJDARI MAHTO RESIDENT OF VILLAGE- KHUTTI HASELI, JAGELI, P.S- K. NAGAR (SRI NAGAR), DIST- PURNEA
2. GAJENDRA YADAV SON OF BHUPENDRA YADAV RESIDENT OF VILLAGE- JHUNNI, P.S- K.NAGAR, (SRI NAGAR), DIST- PURNEA
3. MD. SAFIQUE ALAM @ MD. SHAFIQUE ALAM SON OF MD. AINUDDIN RESIDENT OF VILLAGE- BALU TOLA, WARD NO 4, P.S- KASBA, DIST- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 307, 186, 353, 504 and 506 of the Indian Penal Code and section 45 of Bihar Prohibition and Excise Act, 2016.

Allegedly, all the FIR named accused persons including



the petitioners came in the court premises and threatened the police party for release of the accused persons of Dagarua P.S. Case No.88/2020. Thereafter, the informant was going to bring the accused persons in the residence of learned Judge but in the way Vikash Yadav along with 20-22 persons surrounded the police vehicles and started committing '*mar-pit*' and got released the accused persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. Petitioners are not named in the FIR. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Allegation against the petitioners is that they are the owners of the seized motorcycles although the informant has not alleged in the FIR about recovery of vehicles from the place of occurrence. Some of the named accused persons have been granted anticipatory bail by different co-ordinate Bench of this Court vide Cr. Misc. No.7202 of 2022 dated 20.05.2022, Cr. Misc. No.6611 of 2021 dated 02.12.2021, Cr. Misc. No.33598 of 2020 dated 12.03.2021 and Cr. Misc. No.33849 of 2020 dated 03.03.2021. Petitioners have no criminal antecedent.



Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no allegation of active participation of the petitioners in the alleged occurrence, let them be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with K. Hat P.S. Case No.272 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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