

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31140 of 2021

Arising Out of PS. Case No.-724 Year-2020 Thana- MUFFASIL District- West Champaran

1. SANDEEP PATEL Son of Sheopujan Patel Resident of Village- Ninwalia, P.S.- Majhauriya, District- West Champaran.
2. BACHHA SAH KHEDAN SAH NINWALIA, son of Khedn Sah, Resident of Village- Ninwalia, P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-02-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bettiah (Mufassil) P.S. Case no. 724 of 2020 instituted for the offence under Sections 149, 323, 353, 336, 337 of the Indian Penal Code and Section 34 Bengal Public Gambling Act.

As per allegation in the FIR, when the police was on



patrolling duty for inspection of Chhath Ghat Place, he saw that some accused persons including the petitioners were indulged in gambling. On seeing the police party, gamblers started brick batting upon the police party and they created hindrance in discharging the official duty.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Petitioners were only member of the mob. General and omnibus allegations have been levelled against the petitioners. Neither the petitioners were arrested nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bettiah (Mufassil) P.S. Case no. 724 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned C.J.M., West
Champan, Bettiah subject to the conditions as laid down under
section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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