

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25909 of 2022

Arising Out of PS. Case No.-39 Year-2014 Thana- DUMARIYA District- Gaya

1. BIRENDRA PRASAD @ BIRENDRA KUMAR SINGH Son of Late Sheo Bhajan Singh Resident of Village Bijua (Barwadih), P.S. Dumariya.
2. Dhananjay Kumar @ Dhananjay Singh Son of Late Jagdeo Singh @ Jagdeo Prasad Resident of Village Narayanpur, P.S. Maigra, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2022 At the outset, learned counsel for the petitioner informs this Court that vide order dated 01.09.2022, the prayer for anticipatory bail of petitioner no.2, Dhananjay Kumar @ Dhananjay Singh was already permitted to be withdrawn.

Learned counsel for the petitioner has filed a supplementary affidavit in Court today mentioning the correct Sections under which the present case has been lodged.

Let the same be kept on record.

Heard learned counsel for the parties.

Petitioner No.1, Birendra Prasad @ Birendra Kumar Singh apprehends his arrest in connection with Dumariya P.S. Case No.39 of 2014, registered for the offences punishable under Sections 147, 148, 149, 341, 353, 323, 307, 427, 379 and



504 of the Indian Penal Code.

It is alleged that while the police was taking a dead body for conducting post-mortem, the local residents protested against the same by blocking the road and pelting stones on the police party.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got one criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is general and omnibus allegation against the petitioner. No specific overt act is alleged against the petitioner. It is submitted that a scuffle is said to have taken place between the police party and the local residents. Altogether 12 persons along with 200-250 unknown persons have been made accused in the present case. It is submitted that similarly situated other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.01.2022, passed in Cr. Misc. No.23613 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Considering the fact that similarly situated other co-



accused persons have been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let petitioner no.1, namely, Birendra Prasad @ Birendra Kumar Singh in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati, Gaya in connection with Dumariya P.S. Case No.39 of 2014, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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