

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39403 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. ABHIRAJ KUMAR S/O SRI SHIV KISHORE PASWAN R/O VILLAGE AND P.O-MANJHAUL, KHOIR TOLA, P.S.- CHERIA BARIYARPUR, DISTRICT-BEGUSARAI
 2. AMRITESH KUMAR S/O SRI SHIV KISHORE PASWAN R/O VILLAGE AND P.O-MANJHAUL, KHOIR TOLA, P.S-CHERIABARIYARPUR, DISTRICT-BEGUSARAI.
 3. MUNNA KUMAR S/O GYANI PASWAN R/O WARD NO.05, VILLAGE AND P.O-MANJHAUL, P.S-CHERIYA BARIYARPUR, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2022 Heard the parties.

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

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail as against the petitioner no.3, as he has already been arrested.

Permission is granted.

The prayer for anticipatory bail on behalf of the petitioner



no.3 is dismissed as withdrawn.

Now, the present application is being heard for consideration of anticipatory bail with regard to the petitioner nos.1 and 2.

The petitioners apprehend their arrest in a case in connection with Cheriabariyarpur P.S. Case No.222/2020, registered for the offence punishable under Sections 147, 148, 149, 307, 353, 323, 504, 332, 337, 338, 188, 120(B) of the Indian Penal Code.

The prosecution case in short is that, informant being S.I., got information that Mithilesh Sada and his family members have killed one Mantun Paswan and disappeared the dead body. When the police reached the house of Mithilesh Sada and saw that a protest in connection with the murder was going on. It is alleged that in continuance of the said protest, several persons including the petitioners made a disorder and in the meantime, mob started assaulting police personnel by lathi-danda.

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. There is no specific allegation against the petitioners rather the allegations are general and omnibus in nature. It is submitted that an altercation



took place between the villagers and police with regard to deadbody of the deceased, for which the police charged lathi on villagers and in the same process, the police officials as well as the villagers sustained injuries. There is no injury report on record, except for one injured, whose injuries is simple in nature. Petitioner no.1 has two criminal antecedents and petitioner no.2 has one 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 general and omnibus allegation against the petitioners, let the above named petitioner nos.1 and 2, 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 Cheriabariyarpur P.S. Case No.222/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

