

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37219 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- TANKUPPA District- Gaya

1. SARJUN YADAV @ SARJUN PRASAD YADAV Son of Shivrinarayan Yadav Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya
2. Binod Yadav @ Binod Kumar Son of Karu Yadav Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya
3. Anuj Yadav Son of Baleshwar Yadav Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya
4. Rajesh Yadav Son of Hiravan Prasad Yadav Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya
5. Santu Kumar @ Santu Kumar Choudhary @ Sontu Kumar Choudhary Son of Ishwari Chaudhari @ Ishwar Choudhary Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya
6. Akshay Kumar Son of Shankar Yadav Resident of village- Bartara Bazar, Police Station- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Adv

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioners and learned APP 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 section 147, 148, 149, 188, 341, 342, 323, 326, 307, 333, 337, 353, 506 and 427 of the Indian Penal Code.

Allegedly, when the informant and other police personnel were on patrolling duty, they saw a Tata Magic and trolley on which numerous persons were present and were playing loud music. The persons sitting in the said vehicle were smelling like alcohol and when they were asked their names, they did not assured back. One Dharmendra Singh and about 100 persons assembled and started pelting bricks. It is further alleged that forces and chawkidar disclosed the name of the miscreants as the petitioners and others. When they proceeded towards the police station, then accused Dhiraj Singh and 6-7 persons came and made scuffle from the informant and started firing which hit on his leg.

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 due to enmity. 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. There is no specific overt act against the petitioners. They have been made accused in the



present case only on the basis of suspicion. He further submits that the petitioners are only the members of mob. Petitioner no.1 has two criminal antecedent, petitioner no.2 has four criminal antecedent and petitioner nos.3, 4, 5 and 6 have no criminal antecedent, which is also mentioned in para-3 of the bail application.

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

Having regard to the facts and circumstances of the case, since there is no specific allegation upon the petitioners, let the above named petitioners 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 Tankuppa P.S. Case No.99 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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