

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44899 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

=====

RAMESHWAR SAH SON OF JAGAN SAH RESIDENT OF VILLAGE-
BALTHAR, P.S.- BALTHAR, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 44996 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

1. SAHEB PATEL S/o Sharma Patel Resident of Village and P.S.- Balthar, Dist.- West Champaran.
2. Nitesh Patel S/o Sharma Patel Resident of Village and P.S.- Balthar, Dist.- West Champaran.
3. Ranjeet Patel S/o Adalat Patel Resident of Village and P.S.- Balthar, Dist.- West Champaran.
4. Raju Patel S/o Adalat Patel Resident of Village and P.S.- Balthar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 45191 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

=====

SUBHAN SHEIKH @ SHEIKH SUBHAN Son of Late Sheikh Shahim
Resident of village - Arya Nagar Balthar, P.S.- Balthar, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44899 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar



For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam
(In CRIMINAL MISCELLANEOUS No. 44996 of 2022)
For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Jitendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 45191 of 2022)
For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Balthar P.S. Case No. 42 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 332, 333, 307, 337, 338, 379, 380, 427, 353, 447, 448, 452, 302, 395, 186, 188, 201, 504, 506, 120 (B) of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, altogether 357 FIR named accused persons including 100 unknown persons entered into the premises of police station and set government vehicle on fire. They attacked police party on account of which some got serious injury and one hawaldar died on spot.

Learned counsel for the petitioners submits that petitioner namely Rameshwar Sah is in custody since



22.03.2022, petitioners namely Saheb Patel, Nitesh Patel, Ranjeet Patel and Raju Patel are in custody since 21.03.2022 and petitioner namely Subhan Sheikh @ Sheikh Subhan is in custody since 22.06.2022. All petitioners bear criminal antecedent of one case which has arisen on the same set of facts as alleged in F.I.R. against the petitioners. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners submits that petitioners are only the members of mob. There is no specific overt-act attributed against these petitioners. Learned counsel further submits that co-accused Rajendra Sah and others have already been granted bail vide Cr. Misc. No. 42801 of 2022 by co-ordinate bench of this court and the case of present petitioners stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, there is no specific over-act levelled against the petitioners, on similar allegation co-accused persons have already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is



no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Balthar P.S. Case No. 42 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

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

