

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48215 of 2022

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

KISHORI SAH SON OF PRASANA SAH R/O VILLAGE- ARYA NAGAR,
P.S.- BALTHAR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48561 of 2022

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

RATNESH KUMAR PATEL @ RATNESH KUMAR S/o Ramji Patel R/o
Village- Balthar, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48565 of 2022

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

1. VIDYA PATEL S/o Bunnilal Patel Resident of Village and P.S.- Balthar, Distt- West Champaran.
2. HARENDRA SAH S/o Dhodha Sah Resident of Village and P.S.- Balthar, Distt- West Champaran.
3. MUNNA PATEL S/o Hiralal Patel Resident of Village and P.S.- Balthar, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48215 of 2022)

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 48561 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP



(In CRIMINAL MISCELLANEOUS No. 48565 of 2022)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Dr. Ajeet Kumar,APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned
APP for the State *via* video conferencing.

All the three aforesaid bail applications have been heard together and are being disposed of by a common order as they arise out of the same PS Case bearing Balthar PS Case No. 42/2022.

Petitioners have been made accused in the aforesaid FIR registered 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 IPC and Section 27 of the Arms Act. Later on Section 436 IPC was added.

As per prosecution story, one person was brought to the police station for playing loudspeakers. In the police station, the condition of the accused person deteriorated due to which he was sent to the hospital for treatment. It has been alleged that in the meanwhile, about 300-400 persons surrounded the police personnel and vandalized the police station due to which, some constables received injury and one head constable died due to injury.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of disclosure made by the local *Chowkidar*. Learned counsel next submits that the petitioners, namely Kishori Sah (Cr. Misc. No. 48215/2022), Vidya Patel (Cr. Misc. No. 48565/2022) are in custody since 21.03.2022 and the petitioner, namely, Ratnesh Kumar Patel (Cr. Misc. No. 48561/2022) is in custody since 11.04.2022. Charge-sheet has already been submitted. The allegation against the petitioners is general and omnibus in nature and similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 29.11.2022 in Cr. Misc. Nos. 42801, 45426 along with 45636 of 2022.

Taking into consideration the material on record and the fact that allegation against petitioners are general and omnibus in nature along with 300-400 persons, and the similarly situated accused persons have been given privilege of anticipatory bail, petitioners, namely Kishori Sah (Cr. Misc. No. 48215/2022), Vidya Patel (Cr. Misc. No. 48565/2022) are in custody since 21.03.2022 and the petitioner, namely, Ratnesh Kumar Patel (Cr. Misc. No. 48561/2022) is in custody since 11.04.2022, charge-sheet has already been submitted, I am



inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Balthar PS Case No. 42/2022.

(Anil Kumar Sinha, J)

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