

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46508 of 2022

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

Rajan Kumar Son Of Prabhu Prasad R/O Village And P.S.- Balthar, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47450 of 2022

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

Mahludani Khatoon, w/o Manif Mian, resident of Aryanagar, P.S.- Balthar,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46508 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

(In CRIMINAL MISCELLANEOUS No. 47450 of 2022)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-12-2022 Heard the learned counsels for the parties.

Both the aforesaid applications arise out of the Balthar P.S. Case No. 42 of 2022 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 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act. Section 436 of the Indian Penal Code was added later on 23.03.2022. Therefore, both the aforesaid applications have



been heard together and are being disposed of by this common order.

The prosecution case in brief is that a mob of 100 unknown persons entered into the premises of Police Station and set the government vehicles on fire. They attacked the Police vehicles and were raising slogans to kill the Police officials. In the said incidence, some Police personnel also got injured and one Hawaldar was shot dead.

Learned counsels appearing on behalf of the petitioners submits that the there is specific allegation against the petitioners. Further submissions is that similarly situated co-accused have already been released on bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Criminal Miscellaneous No. 47583 of 2022 and order dated 29.11.2022 passed in Criminal Miscellaneous No. 42801 of 2022 along with other analogous cases. The petitioners are in custody since 21.03.2022 and 28.03.2022, respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case and the fact that other co-accused have already been granted privilege of bail by a co-ordinate



Bench of this Court, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Balthar P.S. Case No. 42 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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