

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.654 of 2022

Arising Out of PS. Case No.-399 Year-2019 Thana- WAJIRGANJ District- Gaya

1. ABHISHEK KUMAR @ ABHISHEK Son of Baleshwar Chauhan Resident of Village - Beldari Tola (Tarwan), P.s.- Wazirganj, Distt.- Gaya.
2. Shakti Chauhan @ Shakti Kumar Son of Baleshwar Chauhan Resident of Village - Beldari Tola (Tarwan), P.s.- Wazirganj, Distt.- Gaya.
3. Nitish Chauhan @ Nitish Kumar Son of Krishan Chauhan Resident of Village - Beldari Tola (Tarwan), P.s.- Wazirganj, Distt.- Gaya.
4. Kamlesh Chauhan Son of Ramashish Chauhan Resident of Village - Beldari Tola (Tarwan), P.s.- Wazirganj, Distt.- Gaya.
5. Hantu Chauhan @ Mantu Chauhan @ Hintu Chauhan @ Hatu Chauhan Son of Ramashish Chauhan Resident of Village - Beldari Tola (Tarwan), P.s.- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to make rectification in paragraph '1' and in
the prayer portion of the anticipatory bail application.

Permission is accorded.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 337, 307, 427, 353 and 506 of the Indian Penal Code.



The informant, a police official, alleges that on 04.11.2019 at about 5:00 pm while he was patrolling with his team and reached to a fair (*mela*), he saw that the officials of fair have caught two accused Santosh and Ranjeet who were misbehaving and assaulting others, they were taken inside the police jeep and their mobile was also seized but all of a sudden 30-40 miscreants gathered with sticks stones etc. stopped the jeep and took the two accused forcibly with them and also damaged the vehicle of the police injuring two constables in the occurrence.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that he got information about accused through source but the source is not disclosed. The allegations are general and omnibus in nature, petitioners were not present at the place of occurrence and they came to be implicated as they were also of the same lineage as that of the accused who were apprehended by the police. It is further submitted that even injuries suffered by the injured are simple in nature.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Wazirganj P.S. Case No. 399 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court shall also verify as to whether any process under Section 82 of the Cr.P.C. has been issued against the petitioners or not. In the event, if it is found that any process under Section 82 Cr.P.C. has been issued against the petitioners then the present order shall not be acted upon.

(Satyavrat Verma, J)

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