

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13103 of 2023

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

1. DHANILAL SAH SON OF LATE KHUBLAL SAH R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
2. SUNAINA DEVI WIFE OF DHANILAL SAH R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
3. RAJKUMAR SAH SON OF DHANILAL SAH R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
4. MUNNILAL SAH SON OF LATE KHUBLAL SAH R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
5. NEJAMA KHATOON WIFE OF SHEKH ISMAIL @ SK. ISMAIAL R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
6. SHEKH ISMAIL @ SK. ISMAIAL SON OF SHEKH MUKHTAR R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
7. SUNITA DEVI WIFE OF KANHAIYA YADAV @ KANHAIYA YADAV R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
8. SUSHILA DEVI WIFE OF LATE ANIRUDH YADAV R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
9. MOSMAT ASHU @ MUSMAT ASHO WIFE OF LATE RAMBALAK YADAV R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN
10. KANHAIYA YADAV @ KANHAIYA YADAV SON OF LATE RAMBALAK YADAV R/O VILL.- ARYANAGAR, P.S.- BALTHAR, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in



connection with Balthar P.S. Case No. 42 of 2022 registered for the offence 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 and Section 27 of the Arms Act. Later on, Section 436 of the Indian Penal Code was added.

The allegation is regarding 357 FIR named accused persons including the petitioners herein and 100 unknown persons having entered inside the premises of the Police Station in question, whereafter they had not only set the Government vehicles on fire but had also assaulted the police force.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the petitioners and they have not been alleged to have engaged in any sort of specific overt act. It is also submitted that several co-accused persons have already been granted the privilege of anticipatory bail by coordinate Benches of this Court, one of such order being the one dated 29.11.2022, passed in Criminal Miscellaneous No. 42801 of 2022.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 CJM, Bettiah, West Champaran, in connection with Balthar P.S.Case No. 42 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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