

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16107 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- NAVINAGAR District- Aurangabad

1. ASHOK CHANDRAWANSHI @ ASHOK SINGH S/O BAIJU SINGH R/v- Janakpur, Pokhrapar, P.S.- Nabinagar, District- Aurangabad (Bihar)
2. BABLU PASWAN S/O MANDEV PASWAN R/v- Janakpur, P.S.- Nabinagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nabinagar P.S. Case No. 179 of 2021, registered for the offences punishable under Sections 147, 148, 149, 323, 337, 338, 307, 332, 333, 353, 427, 435, 504, 283 and 188 of the Indian Penal Code and Sections 3/4 of the Prevention of Damage to the Public Property Act.

The allegation is regarding 76 named and 300-400 unknown persons having formed an unlawful assembly, whereafter they are alleged to have pelted stones and damaged official vehicles as also caused hindrance in discharge of official



duty by the police, after an accused person, during the course of him being chased by the police for the purposes of arresting him, had jumped into a pond and died.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioners herein and no specific overt act has been alleged. It is also submitted that similarly situated co-accused persons have already been granted the privilege of bail by a coordinate Bench of this Court vide order dated 14.07.2022 passed in Criminal Misc. No. 66121 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons who have already been granted the privilege of bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 179 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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