

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19139 of 2023**

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

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DHARMENDRA KUMAR S/O SIKANDRA RAM R/O VILLAGE-
JANAKPUR POKHAR, P.S- NABINAGAR, DISTT.- AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Nabinagar P.S Case No. 179 of 2021, dated - 05.08.2021, registered for the offences punishable under Sections 147/ 148/ 149/ 323/ 337/ 338/ 307/ 332/ 333/ 353/ 427/ 435/ 504/ 283/ 188 of Indian Penal code 1860 (hereinafter referred as “IPC) and Sections 3, 4 of the Prevention of Damage of Public Property Act, 1984

The prosecution case, as per the First Information Report, is that the police party on 05.08.2021 arrived near Jankapur Pokhra under the Nabinagar Police Station in order to nab the wanted accused and upon seeing the police party one person jumped in the pond due to which he died. It has further



been alleged that altogether 76 name accused persons and 300 to 400 unknown persons protested the death of the person due to drowning in the pond, blocked the road, created nuisance tried to burn the police vehicle and indulged in rioting etc.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report and the name of petitioner has transpired during the course of investigation as would be evident from para 41 of the case diary. It has further been submitted that the allegation against the mob is general and omnibus in nature. So many accused persons have been granted bail including the co-accused Shubham Kumar in Criminal Miscellaneous No. 68863 of 2021.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the First Information Report and the allegation in the First Informant Report is against 76 named accused persons 300 to 400 unknown persons which is general and omnibus in nature. The co-accused has been granted bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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 (Bihar), in the connection with Nabinagar P.S Case No. 179 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Mayank/Ashwaini

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