

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19297 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- BALTHAR District- West Champaran

1. Darudan Khatoon Wife Of Fajil Miyan @ Fajir Miyan R/O Village- Aryanagar, P.S.- Balthar, District- West Champaran
2. Aftab Alam @ Aftab Miyan @ Aftam Alam @ Aftam Miyan Son Of Fajil Miyan @ Fajir Miyan R/O Village- Aryanagar, P.S.- Balthar, District- West Champaran
3. Fajil Miyan @ Fajir Miyan Son Of Majid Miyan R/O Village- Aryanagar, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

Application is for grant of anticipatory bail to the petitioners, who are apprehending their arrest in connection with Balthar P.S. Case No. 44 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 353, 186, 188 of the Indian Penal Code.

Allegedly, an FIR has been instituted against 373 named accused persons, including these petitioners, and 100 unknown persons, who indulged in resorting to blockage of



public road and committed violence with the police party in protest of death of one person.

Submission has been made on behalf of the petitioner that no specific allegation has been levelled against the petitioners rather general and omnibus allegation of protest has been levelled against all the accused persons. He next submitted that other accused persons having identical allegation, they have been allowed the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 46002 of 2022 and Cr. Misc. No. 47506 of 2022 *vide* orders dated 06.12.2022 and 08.12.2022, respectively. Further submission has been made that on account of same set of facts local authorities have also instituted one more case bearing number Balthar P.S. Case No. 42 of 2022 implicating the names of several persons, including the petitioners and save and except, these two cases the petitioners are having fair antecedent. He next submitted that the petitioners undertake that they will fully cooperate in the investigation and will not tamper any evidence, if any.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the petitioners and taking into account the general and



omnibus nature of allegation, coupled with the fact that other co-accused persons having similar allegation have been allowed the privilege of anticipatory bail, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each 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. 44 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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