

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19825 of 2023

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

Anuj Kumar Gupta Son Of Lalu Prasad Gupta 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 : Mr. Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Balthar P.S. Case No.42 of 2022, registered for the offences 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..

It is alleged that altogether 357 FIR named accused persons along with 100 unknown persons entered into the premises of the police station and set the government vehicle on fire. The accused persons also damaged the police vehicles and raised slogans to kill the police officials. It is also alleged that



they attacked on the members of the police party due to which some of the police personnel sustained injuries and one of the Hawaldar was shot dead on spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is quite innocent and he has been falsely implicated in this case at the instance of local people without there being any specific allegation. He further submits that save and except the petitioner being member of the mob there is no allegation and considering the aforesaid facts various other co-accused persons named in FIR have been allowed privilege of anticipatory bail by learned Coordinate Bench of this Court, the copy of which has been brought on record by way of Annexure-2 to the petition. He next submits that arising out of the same occurrence the local authorities has also instituted one more case being Balthar P.S. Case No. 44 of 2022 and save and except the aforementioned cases the petitioner has absolutely fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation coupled with the fact that other co-accused persons having



identical allegation have been allowed privilege of anticipatory by learned Coordinate Bench of this Court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) 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.42 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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