

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25023 of 2023

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

1. Vikash Kumar Son Of Bigan Chandrawanshi Resident Of Village - Das Mohalla, P.O. And P.S. - Nabinagar, Distt. - Aurangabad
2. Akash Kumar Son Of Biganndrawanshi Resident Of Village - Das Mohalla, P.O. And P.S. - Nabinagar, Distt. - Aurangabad
3. Bigan Chandrawanshi Son Of Late Ramlagan Chandrawanshi Resident Of Village - Das Mohalla, P.O. And P.S. - Nabinagar, Distt. - Aurangabad
4. Prakash Kumar Son Of Bigan Prasad Resident Of Village - Das Mohalla, P.O. And P.S. - Nabinagar, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
to withdraw this application as against the petitioner no.4, as he
has already been arrested by the police, during pendency of this
application.

Permission is granted.

Accordingly, the instant application as against the
petitioner no.4 is dismissed as withdrawn.

Now, this application is being heard for
consideration of anticipatory bail as against the petitioner no.1,



2 & 3 only.

Heard learned counsel for rest of the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 337, 338, 307, 332, 333, 353, 427, 435, 504, 283 and 188 along with $\frac{3}{4}$ of Damage of Public Property Act, 1984 pending in the learned court below.

As per the prosecution case, 76 named and 300-400 unknown persons started pelting stones and damage the police vehicle. It is further alleged that they also created hindrance in the discharge of official duty of police officials.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that similarly situated other co-accused person has already been granted bail by a bench of this Court vide order dated 01.09.21022 passed in Cr. Misc. No. 19903/2022 and vide order dated 10.01.2023 passed in Cr. Misc. No. 63837/2022. He further submits that petitioners have got criminal antecedent as



stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 2 & 3, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Navinagar P.S. Case No.179/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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