

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35113 of 2023

Arising Out of PS. Case No.-25 Year-2006 Thana- RAUTA District- Purnia

1. ARUN KUMAR BHAGAT Son of Late Shiv Prasad Bhagat Resident of village - Rauta, P.S. - Rauta, Distt. - Purnea
2. Dhruv Lal Harijan Son of Ruplal Harijan Resident of village - Rauta, P.S. - Rauta, Distt. - Purnea
3. Md. Sarbul Alam @ Sarwar Alam @ Sarbul Alam @ Sarbul Son of Nurul Haque Resident of village - Gerua, P.S. - Amour, Distt. - Purnea
4. Md. Nazir Ahamad @ Nazir Ahamad Son of Nazmul Hussain Resident of village - Rauta, P.S. - Rauta, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 353, 307, 427, 436, 332, 333, 338, 224, 225, 367 and 379 of the Indian Penal Code and Section 3/4 of the Public Property Damage Prevention Act.

3. Petitioners along with several named co-accused and unnamed co-accused are said to have blocked the road, raised slogans, entered into the campus of the police station, rescued the



arrested accused and created nuisance. They also pelted stones and damaged the government property.

4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case by the police. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that petitioner nos.1 and 2 unnamed whereas petitioner nos.3 and 4 are named in the F.I.R. It is further submitted that during course of investigation police examined several witnesses but except the police personnel no one has supported the prosecution case. Similarly situated co-accused, namely, Habibur Rahman has been enlarged on bail by a co-ordinate bench of this court vide order dated 01.06.2023 passed in Cr. Misc. No.17940 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Having regard to the facts and circumstances of the case, let the above named petitioner nos.1 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor Court in connection with Rauta P.S. Case No. 25 of 2006, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Considering the facts and circumstances of case as well as the fact that petitioner nos.2 and 4 are named in the F.I.R., I am not inclined to enlarge petitioner nos.2 and 4 on anticipatory bail. Their prayer for anticipatory bail is hereby rejected. However, petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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