

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30921 of 2023**

Arising Out of PS. Case No.-231 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. SHYAM BABU SHARMA S/O RAJENDRA SHARAM @ RAJENDRA THAKUR R/O Village- Bara Sumersa, Sumersa @ Afzalpur Madho, P.S- Kudhani, O.P.- Turki, Distt.- Muzaffarpur.
2. Santosh Thakur @ Santosh Kumar S/O Madan Thakur R/O Village- Bara Sumersa, Sumersa @ Afzalpur Madho, P.S- Kudhani, O.P.- Turki, Distt.- Muzaffarpur.
3. Shovit Sah @ Shobhit Sah S/O Mauze Lal Sah R/O Village- Bara Sumersa, Sumersa @ Afzalpur Madho, P.S- Kudhani, O.P.- Turki, Distt.- Muzaffarpur.
4. Sonu Sharma @ Sonu Kumar Sharma S/O Bhikhari Sharma R/O Village- Bara Sumersa, Sumersa @ Afzalpur Madho, P.S- Kudhani, O.P.- Turki, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      14-07-2023      Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2.      This is an application for grant of anticipatory bail in connection with Kudhani (Turki O.P.) P.S. Case No. 231 of 2019, registered for the offence punishable under Sections 147, 148, 149, 354, 332, 353, 153A, 323, 295, 295A, 504 and 506 of the Indian Penal Code.

3.      The allegation is regarding 100-200 people having assembled at the place of occurrence on the alleged date and



time of occurrence, whereafter they had engaged in creating a commotion and had entered into a scuffle with the members of the other caste on account of their associates having been assaulted by the said members of the other caste, however, after great persuasion, the police party had managed to pacify them.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons and the petitioners have not been alleged to have engaged in any sort of specific overt act, hence, they are not having any complicity in the matter.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the



petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners are directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, 1<sup>st</sup> West, Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S.Case No. 231 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Ajay/-

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