

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36239 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- MUNGER MUFFASIL District- Munger

1. PAWAN KUMAR SAH @ PAWAN SAH Son of Late Mahendra Sah
Resident of village - Hasanpur, P.S.- Muffasil, District - Munger
2. Niranjana Kumar Nirala @ Niranjana Sah @ Manni Son of Late Upendra Sah
Resident of village - Hasanpur, P.S.- Muffasil, District - Munger
3. Mahabir Sah @ Mahabir Kumar Son of Yogendra Sah Resident of village -
Hasanpur, P.S.- Muffasil, District - Munger
4. Sunil Sah Son of Late Dhaneshwar Sah Resident of village - Hasanpur, P.S.-
Muffasil, District - Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners stated in his
supplementary affidavit that the petitioner nos.3 & 4 filed
surrender-cum-bail application before the concerned Court
below. Hence, he seeks permission to withdraw this application
with regard to petitioner nos.3 & 4.

3. Permission is granted.

4. Accordingly, the instant application as against
the petitioner no.3 & 4 is dismissed as withdrawn.

5. Now, this application is being heard for



consideration of anticipatory bail as against the petitioner nos. 1 & 2 only.

6. Heard learned counsel for the rest of the petitioners and learned APP for the State.

7. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 325, 307, 353, 447, 504 and 56 of the Indian Penal Code pending in the learned court below.

8. As per the prosecution case, there is allegation against the petitioners along with other co-accused persons that they have obstructed the police party who has gone on the information that the illegal liquor has been kept in the house of the Balbir Shah.

9. 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 petitioners are only a members of the mob. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

10. Learned APP for the State opposes the prayer for



bail.

11. Considering the aforesaid facts and circumstances and the fact that petitioners are only members of the mob, let the petitioner nos.1 & 2, 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 Muffasil P.S. Case No.338/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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