

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39468 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- ROSERA District- Samastipur

Manish Kumar Son Of Ramasakha Paswan Resident Of Village Diyanatpur
Potiliya, Ps- Vibhutipur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43319 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- ROSERA District- Samastipur

Abhishek Kumar @ Ankit Kumar Mahto S/O Ramsogarath Mahto R/O
Village- Bataha, Ward No. 11, P.S- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39468 of 2023)

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Rita Verma

(In CRIMINAL MISCELLANEOUS No. 43319 of 2023)

For the Petitioner/s : Mr.Navin Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned counsel for the petitioners and

learned A.P.P. for the State.

3. The petitioners apprehend their arrest in a case

registered for the offences punishable under Sections 399 and



402 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act, 1969.

4. As per the prosecution case, the informant got a secret information about some miscreants having assembled near Muktidham, Rosera Mahthi bridge armed with deadly weapons. When the informant along with police personnel reached there, all the accused persons tried to escape but two persons, namely Badal Singh and Pawan Kumar were apprehended who disclosed the name of other accused persons including these petitioners.

5. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that petitioner's name has been transpired in this case on the basis of confessional statement of Badal Singh, who was arrested by the police on the spot. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.07.2023 passed in Cr. Misc. No. 40817 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposes prayer for



anticipatory bail.

7. Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused has been enlarged on bail by co-ordinate bench of this Court, let the above named petitioners, 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 lower Court where the case is pending/successor Court in connection with Rosera P.S. Case No.381 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, learned Court below shall accept the bail bond of the petitioners after verifying the criminal antecedents of the petitioners. If, the petitioners have any criminal antecedent before the present case, then the bail bond of the petitioners shall not be accepted by the learned Court below.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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