

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46793 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- RIVILGANJ District- Saran

Shailendra Gosai @ Saryug Gosai @ Shailendra Goswami @ Shailendra Nath
Goswami S/O Late Dina Gosai @ Dina Nath Goswami R/O Village- Kachnar,
P.S. Rivilganj, Dist. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2023 Heard Mr. Anjani Parashar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Rivilganj P.S. Case No. 385 of 2021, registered for the
offences punishable under Sections 147, 148, 149, 447, 448,
452, 380, 354, 436, 435, 427, 323 and 120(B) of the Indian
Penal Code.

3. Allegedly, all the 26 FIR named accused persons,
including the petitioner and 150-200 unknown persons,
variously armed, entered into the house of the informant and
started damaging her household articles. It is further alleged that
the accused persons looted away the articles, list of which has



been appended to her application. Further allegation has been levelled that the accused persons has also outraged her modesty.

4. Learned counsel appearing on behalf of the petitioner by drawing the attention of this Court to the FIR submits that there is no specific allegation of any overt act against the petitioner rather general and omnibus allegation has been levelled against all the 26 FIR named accused persons and 150-200 unknown persons. Further the other co-accused person having identical allegation has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 3597 of 2022 vide order dated 07.11.2022. He next submits that only on account of the fact that the petitioner is having two criminal antecedent, his prayer for anticipatory bail was rejected by the learned Court below. He next submits that the petitioner undertakes that he will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against huge number of persons, let the petitioner above named be released on bail, in the event of his 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 385 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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