

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47823 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

1. RIPU KUMAR @ RIKKU KUMAR S/O LATE ANUP RAM @ ANUP PRASAD
2. Abhishek Kumar @ Avishek Kumar S/O Murari Thakur
3. Ranjit Kumar @ Ranjeet Kumar S/O Yogendra Ram
All are R/O Village- Bari Pahari Mansoor nagar, P.S- Laheri, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49902 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Ram Bahadur Singh Son Of Late Yadunandan Singh Resident Of Village- Shyam Nagar, Ps- Deepnagar, Dist- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47823 of 2023)

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 49902 of 2023)

For the Petitioner/s : Mr. Sharwan Kumar, Sr. Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

- 2 11-08-2023 Heard Mr. Ranjeet Kumar Mishra, learned counsel for the petitioners who represent in Cr. Misc. No.47823 of 2023 and Mr. Sharwan Kumar, learned Senior Counsel for the petitioner in Cr. Misc. No. 49902 of 2023 and learned APP for the State.

The petitioners apprehend their arrest in connection with Laheri P.S. Case No.215 of 2023 instituted under Sections



147, 148, 149, 341, 342, 323, 324, 325, 307, 337, 338, 332, 333, 353, 504, 506,, 153(A), 295, 379, 380, 435, 436, 427, 109,120(B) of the Indian Penal Code and 25(1-B)a, 26 and 27 of the Arms Act lodged on 31.03.2023 by the informant Anjan Datta.

As per the prosecution story, the police has alleged that they were deputed in maintaining the law and order situation due to the 'Ramnavmi' festival 2023 when commotion took place and the people from two different communities attacked each other pelting stones and police force also came under their attack. This resulted into injuries to most of the police personnel as also damaged to the official vehicle. Accordingly, the FIR.

It is the joint submission of the petitioners that number of people were rounded of which included the passerby and implicated. Further, the petitioners of Cr. Misc. No.47823 of 2023 do not have criminal antecedents.

Further the submission put forward by them is/are that without accepting the allegation and/or the outcome of the present petition, the petitioners on their own would like to contribute Rs.5000/- each towards the Chief Minister Relief Fund through Demand Draft issued by the local State Bank of



India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP submits that though the petitioners in Cr. Misc. No.47823 of 2023 do not have criminal antecedent, Cr. Misc. No.49902 of 2023 the petitioner do carry criminal antecedents.

Considering the fact that omnibus allegation has been made against the accused persons including these petitioners, though it is unfortunate that religious event are turned into free for all for both the communities and in the process, the innocent people and police personnel become ultimate sufferers, in the background of the fact that there is omnibus allegation against the accused persons, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs.5000/- each of the petitioners herein to the Chief Minister's Relief Fund and the receipt thereof has to be submitted at the time of the execution of the bail bond as undertaken by their respective counsels on their behalf.

Let the petitioners be released on anticipatory bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each in connection with Laheri P.S. Case No.215 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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