

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54505 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. Makalu Gaddi Son Of Saudagar Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram
2. Saddab Son Of Saudagar Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram
3. Mainu Gaddi Son Of Islam Gaddi Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram
4. Ahsan Gaddi @ Aihsan Gaddi @ Aasan Gaddi Son Of Islam Gaddi Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram
5. Ajuba Gaddi Son Of Islam Gaddi Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram
6. Nunu Gaddi Son Of Nasiruddin Gaddi Resident Of Village- Alamganj (SAGAR), Ward No. 8, Ps- Sasaram Town, Distt- Rohtas At Sasaram

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. Counsel for the petitioners submits that petitioner No.1 has already been arrested. Therefore, counsel for the petitioner is not pressing the bail application for the petitioner No.1.

3. The petitioner Nos. 2, 3, 4, 5 and 6 are apprehending arrest in a case registered for the offences

punishable under Sections 341, 323, 324, 325, 307, 379, 448, 427, 504, 506/34 of the Indian Penal Code.

4. As per the prosecution, the F.I.R. has been lodged against 6 named accused persons against whom allegation is that they have entered into the house of the informant. There are specific allegation against the petitioner Nos. 2, 3 & 6 and petitioner Nos. 4 and 5 are only the member of mob and created fear showing *desi katta*.

5. Counsel for the petitioners submits that petitioner No. 2 to 5 have no criminal antecedent, but the petitioner No.6 has one criminal case pending against him. Counsel further submits that the petitioners and the accused persons are resident of the same village and due to local village politics, the present case has been filed.

6. Learned APP for the State opposes the prayer for bail and submits that on petitioner Nos. 2, 3 and 6, there is specific allegation of act and overt act and against the petitioner Nos. 4 and 5, they are only being the member of mob.

7. In the facts and circumstances., let the above-named petitioner Nos. 4 and 5 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of

₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No.299 of 2023 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioner Nos. 2, 3 and 6 are concerned, this Court is not inclined to extend the privilege of anticipatory bail to them in connection with Sasaram (Town) P.S. Case No.299 of 2023 to the satisfaction of learned C.J.M., Rohtas at Sasaram

9. Accordingly, the prayer for anticipatory bail with respect to petitioner Nos. 2, 3 and 6 stands rejected.

10. However, the learned Court below shall consider the prayer for regular bail of the petitioner Nos. 2, 3 and 6, if they surrender within a period of six weeks. However, the present order shall not cause any prejudice to them.

(Dr. Anshuman, J.)

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