

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56059 of 2023

Arising Out of PS. Case No.-85 Year-2015 Thana- RAMGARH District- Kaimur (Bhabua)

1. CHINTU KHARWAR @ AMAR PRASAD KHARWAR son of Shyam Narayan Kharwar Village- Godasara Ps- Ramgarh Dist- Kaimur at Bhabua
2. malel Singh @ Vinit Kumar Singh son of Guru Govind Singh Village- Godasara Ps- Ramgarh Dist- Kaimur at Bhabua
3. Raghuvansh Singh son of Triveni Singh Village- Godasara Ps- Ramgarh Dist- Kaimur at Bhabua
4. Shushil Singh @ Shushil Kumar Singh son of Shivshankar Singh Village- Godasara Ps- Ramgarh Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 353, 337, 504, 506 of the Indian Penal Code.

3. Prosecution case, in short, in brief, is that the informant along with other police force went to village Godasara to remove encroachment related to Encroachment Case No. 03/2007-08 with the help of labourers. In the meantime, all the accused persons started pelting stones upon them due to which



C.O. Ramgarh sustained injury.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the FIR in the present case has been lodged in the year 2015 and the petitioners filed the anticipatory bail in learned Court below, which got rejected and the petitioners were enjoying the benefit of Section 41A of Cr.P.C., therefore, they did not press the anticipatory bail application in the Hon'ble High Court. But, later on, charge sheet has been submitted against the petitioners and thereafter, cognizance has also been taken against them on 29.11.2019. When they came to know about this fact, they filed anticipatory bail in the learned Court below on 11.07.2023, which got rejected. Thereafter, the petitioners filed the present anticipatory bail application before this Court. Petitioner nos. 4 has two criminal antecedents, whereas petitioner nos. 1 & 2 have one criminal antecedent. Petitioner no.3 has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.



6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, 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 Ramgarh P.S. Case No. 85 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U			
---	--	--	--

