

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61063 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

1. RAJENDRA SAH @ RAJENDRA Son of Prasad Sah Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
2. Krishna Sah @ Krishna Kumar Son of Rajendra Sah Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
3. Shyam Kumar @ Shyam Sah Son of Rajendra Sah Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
4. Nandlal Ram Son of Ramfal Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
5. Seema Devi Wife of Ramayan Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
6. Umesh Ram Son of Bunilal Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
7. Malti Devi Wife of Yamuna Baitha Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
8. Jainool @ Jainool Sheikh @ Md. Jainool Son of Late Jalil Sheikh Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
9. Akhileshwar Prasad @ Akhilesh Sah Son of Lalu Sah Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
10. Sri Prakash Sah Son of Late Mangal Sah Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
11. Bhuti Ram Son of Late Mahendra Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
12. Hiralal Ram Son of Late Mathura Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
13. Banhu Ram Son of Late Bhabhijan Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
14. Hussain Ansari Son of Amri Ansari @ Amir Mian Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
15. Lakhpati Devi Wife of Banhu Ram Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran
16. Salmu Nesha @ Salmun Nesha Wife of Jainool Sheikh Resident of Aryan Nagar, P.S- Balthar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.,



Ms. Y. Madhavi, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 16-05-2023 Heard Mr. Surendra Kishore Thakur and Ms. Y. Madhavi, learned counsel appearing on behalf of the petitioners and Mr. Umeshanand Pandit, Learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Balthar P.S. Case No. 42 of 2022, dated 20.03.2022, registered under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 332, 333, 307, 337, 338, 379, 380, 427, 353, 447, 448, 452, 302, 395, 186, 188, 201, 504, 506/120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

As per the F.I.R., altogether 357 named accused entered into the premises of the Police Station and set the Government vehicles on fire. They also attempted to kill the Police officials and by attacking on them, in which some of the Police Officials were injured and one Hawaldar namely Ram Jatan Rai shot dead on the spot.

Learned counsel appearing on behalf of the petitioners submits that no specific allegation has been made against the petitioners. The petitioners were member of the mob and similarly situated co-accused persons have already been granted



bail by a Bench of this Court vide order dated 29.11.2022, passed in Cr. Misc. No. 42801 of 2022 and vide order dated 23.11.2022, passed in Cr. Misc. No. 50867 of 2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

Having heard both the sides and the material available on the record as well as considering the facts and circumstances of the case, 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 four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, West Champaran, Bettiah in connection with Balthar P.S. Case No. 42 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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