

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67590 of 2021

Arising Out of PS. Case No.-124 Year-2017 Thana- TEGHRHA District- Begusarai

1. SANJEEV BHARTI Son of Sitaram Mahto Resident of Village- Phulwaria (03), P.S.- Phulwaria, Duistrict- Begusarai.
2. SHANKAR YADAV @ SHANKAR RAY Son of Surya Yadav Resident of Village- Gosai Tola, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 15-02-2023 Heard the parties.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.1.

Permission is granted.

Accordingly, the instant application as against petitioner no.1 is dismissed as withdrawn.

However, if the petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard with regard to petitioner no.2 only.



The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 148, 149, 341, 342, 323, 307, 504, 109, 435 of the Indian Penal Code and section 27 of Arms Act.

The gist of allegation is that the informant got information that some untoward accident took place and when the informant alongwith other police officials went to the place of occurrence, they saw that many villagers have assembled there and they were protesting. When the police officials tried to pacify the crowd, the members of the crowd pelted stones causing injury to the informant and some of the police officials.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He further submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order date 06.07.2018 passed in Cr. Misc. No.33885 of 2018 and vide order dated 25.01.2019 passed in Cr. Misc.3792 of 2019. Petitioner no.2 has no criminal antecedent.



Learned APP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, as there is no specific overt act against the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Teghra P.S. Case No.124 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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