

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62614 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BYPASS District- Patna

1. ASHOK KUMAR @ ASHOK YADAV Son of - Shri krishna Prasad resident of Ranipur Paijaba, P.O.- Jhauganj, P.S.- Bypass (Bihar)
2. Shambhu Kumar @ Shambhu yadav Relation not given resident of Ranipur Paijaba, P.O.- Jhauganj, P.S.- Bypass (Bihar)
3. Nanda Singh @ Nanda Yadav Son of Late Dashrath Singh resident of Ranipur Paijaba, P.O.- Jhauganj, P.S.- Bypass (Bihar)
4. Manoj Kumar @ Manoj Yadav Son of Late Sarjug Gop @ Sargup Gop resident of Ranipur Paijaba, P.O.- Jhauganj, P.S.- Bypass (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Archana Sinha @ Archana Shahi, Adv.
For the Opposite Party/s: Mr.Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2023 Heard the parties.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

Now this application survives for in respect of petitioner nos. 2, 3 & 4.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 290, 341, 323, 307, 188, 331, 332, 333, 337, 338, 353, 435, 427, 120(B) of the Indian Penal Code and u/s 3/4 of Public Properties Damage Act.

Allegedly, petitioners along with other co-accused persons assembled near Mahindra Show Room where two persons were injured due to road accident. All the persons started damaging the police vehicle and set the same on fire. They attacked on police party in protest and due to this act of accused persons, a few police personnel have sustained injuries.

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. They have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. From the perusal of FIR, it is apparent that there is no specific allegation of assault against petitioners. Similarly situated co-accused have been enlarged on bail by the Hon'ble High Court. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, since there is general and omnibus allegation 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 Court below where the case is pending/successor Court in connection with Bypass P.S. Case No. 133 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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