

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61289 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- GRIYAK District- Nalanda

1. SHYAM KUMAR SON OF SRI ANANDI PRASAD@ ANANDI MAHTO
RESIDENT OF VILLAGE- SAKUCHI SARAI, PS- GIRIAK
(PAWAPURI), DISTT- PATNA AT PRESENT RESIDENT OF SHANTI
NIWAS, WARD NO. 15, MOHALLA- KALYANPUR, NAISARAI, BIHAR
SHARIF, PS- BIHAR, DISTT- NALANDA
2. RAKESH KUMAR SON OF SRI MADHURI MAHTO RESIDENT OF
VILLAGE- SAKUCHI SARAI, PS- GIRIAK (PAWAPURI), DISTT-
NALANDA
3. JITENDRA KUMAR SON OF SRI MIRJI MAHTO RESIDENT OF
VILLAGE- SAKUCHI SARAI, PS- GIRIAK (PAWAPURI), DISTT-
NALANDA
4. AMRENDRA KUMAR @ ARVIND KUMAR@ AMARESH KUMAR
SON OF SRI NARESH PRASAD@ NARESH MAHTO RESIDENT OF
VILLAGE- SAKUCHI SARAI, PS- GIRIAK (PAWAPURI), DISTT-
NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with Giriak (Pawapuri) P.S. Case No. 311 of 2023
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 325, 337, 338, 307, 353, 354, 332, 333, 427 of
the Indian Penal Code, Section 27 of the Arms Act and Section



3 of the Prohibition of Damage to Public Property Act, 1984.

3. On account of the kidnapping of the daughter of one Harihar Prasad on 16.6.2023 at about 6:00 pm., the said Harihar Prasad and his accomplices, armed with lathi and danda, had surrounded the house of one Jitendra Kumar and were engaging in assaulting the said Jitendra Kumar and his family members as also were engaging in a riotous behaviour, whereupon, the police had arrived there and upon the police having tried to pacify them, the accused persons, in all 15 named, including the petitioners and 40-50 unknown, had created a ruckus resulting in the police vehicle being damaged as also some of the police personnel having received injuries.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and in fact, they are stated to be members of a mob, however, no specific allegation of any sort of overt act has been alleged qua them, hence, they be granted the privilege of anticipatory bail.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the petitioners are stated to be members of a mob and moreover, no specific allegation of any sort of overt act has been levelled qua them, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Giriak (Pawapuri) P.S. Case No. 311 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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