

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62875 of 2023

Arising Out of PS. Case No.-541 Year-2023 Thana- BIHAR District- Nalanda

-
1. DIPAK KUMAR SON OF SUNIL KUMAR @ SUNIL MALAKAR
RESIDENT OF VILLAGE- BANAULI, PS- BIHARSHARIF, DIST-
NALANDA
 2. RAUSHAN KUMAR SON OF SUNIL KUMAR @ SUNIL MALAKAR
RESIDENT OF VILLAGE- BANAULI, PS- BIHARSHARIF, DIST-
NALANDA
 3. NITISH KUMAR SON OF PINNU YADAV RESIDENT OF VILLAGE-
BANAULI, PS- BIHARSHARIF, DIST- NALANDA
 4. SONU KUMAR SON OF YUGAL YADAV RESIDENT OF VILLAGE-
BANAULI, PS- BIHARSHARIF, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission
to withdraw this application in respect of petitioner no.2,
submitting that during pendency of this application petitioner
no.2 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as
withdrawn in respect of petitioner no.2 only.

5. Now, this application survives for petitioner nos. 1, 3



& 4.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 332, 333, 353, 427, 504, 506 of the Indian Penal Code.

7. The prosecution case, in brief, is that, on 14.06.2023, an altercation took place between two parties and when the police party reached there to pacify the matter, all the accused persons got aggressive and started pelting stones on them and thus, caused hindrance in discharging their official duty.

8. 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. At best, petitioners are said to be the members of the mob. Petitioner no.1 has one criminal antecedent, whereas rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

10. 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 Bihar P.S. Case No. 541 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

