

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65917 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- GOPALPUR District- Bhagalpur

1. Suman Kumar Mandal @ Suman Kumar Son of Late Pradeep Mandal Resident of Village-Raghopur, P.S.-Rangra (O.P.), District-Bhagalpur.
2. Saurav Kumar Son of Late Pradeep Mandal Resident of Village-Raghopur, P.S.-Rangra (O.P.), District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Gopalpur (Rangra O.P.) P.S. Case No.336 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 333, 326, 332, 353, 427, 379, 436, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Prevention of Damage to Public Property Act, 1984. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 09.07.2022 altogether 400 persons including these two petitioners were

attacked on the police party by variously armed with lathi, danda, bricks and stones and started assaulting the police party and damaging the police vehicle.

4. Learned counsel for the petitioners submits that altogether 400 persons are said to have participated in the alleged occurrence and 100 persons including these petitioners are named in the FIR but there is no specific allegation against the petitioners. Learned counsel submits that these two petitioners have got no criminal antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that altogether 400 persons are said to have participated in the alleged occurrence and 100 persons including these petitioners are named in the FIR but there is no specific allegation against the petitioners and further that these two petitioners have got no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial

Magistrate, Naugachia, District-Bhagalpur in connection with Gopalpur (Rangra O.P.) P.S. Case No. 336 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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