

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72013 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- BALTHAR District- West Champaran

1. BHAGIRATH SAH Son of Devsharan Sah R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
2. DHARNESH KUMAR @ DHARMESH KUMAR Son of Kapil Patel @ Kapildeo Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
3. ROHIT KUMAR Son of Sakaldeo Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
4. UPENDRA KUMAR Son of Raj Kumar Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
5. SANJAY PATEL Son of Bajeri Patel @ Bajadi Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
6. SURAJ KUMAR @ SURAJ PATEL Son of Kamlesh Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
7. RANJAN KUMAR @ RAJEV RANJAN KUMAR Son of Rajharan Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
8. VINOD SAH @ BINOD KUMAR Son of Rameshwar Sah R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
9. JANARDHAN THAKUR Son of Kishun Thakur R/v- Balthar, , P.S.- Balthar, Dist- West Champaran
10. MANJEET PATEL Son of Adalat Patel R/v- Balthar, , P.S.- Balthar, Dist- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners, in the present case, are seeking pre-arrest
bail in connection with Balthar P.S. Case No. 43/2022 registered for
the offences punishable under Sections 147, 148, 149, 341, 323, 337,



338, 427, 435, 353, 307, 504, 120B, 436 of the Indian Penal Code. Petitioner no. 6 has two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got telephonically information by S.D.P.O., Narkatiyaganj that some miscreants have attacked Balthar Police Station and ransacking the police station. When he reached near Balthar Bazar thousands of persons gathered, surrounded and attacked his vehicle and started pelting stones, bricks and inciting the mob to kill, thereafter police fired in air and police team reached safe place. Persons who attacked on the police team were identified by the chowkidar and villagers.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no specific allegation against the petitioners.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that in connection with custodial death of one Anirudh Yadav the police station was raided by his relatives and other members of the mob for which three different cases have been lodged, these petitioners have been made accused without there being any material, they were not armed with any weapon and the persons similarly situated has been granted bail by a learned coordinate Bench of this Court in Cr. Misc.



No. 72050/2022, therefore, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 4th, West Champaran at Bettiah in connection with Balthar P.S. Case No. 43/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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