

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69155 of 2023

Arising Out of PS. Case No.-864 Year-2022 Thana- AGAMKUAN District- Patna

1. Ayodhya Prasad Azad Son Of Late Ram Saran Prasad Village- Rusulpur Po- Bhikanpur Dist- Muzaffarpur
2. Manoj Kumar Thakur Son Of Sri Nand Kishore Thakur Vilage- Nawada Rajepur Dist- E.Champaran A/P- New Isbt Badi Ps-Agam Kuan Patna
3. Chotelal @ Raju Kumar Son Of Sri Chaturbhu Singh Village- Chakbariya Karnakura Ps- Gopalpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 188, 384, 385, 427, 506/34 of the Indian Penal Code.

3. As per FIR, public agitation and protest has escalated in the leadership of petitioners and others causing serious threat on the security of DMRC and executing agencies personnel. On 10.11.2022, some locals have thrown the equipment of the contractor and stopped the work.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the learned court below could not entertain the anticipatory bail application of the petitioners because the police has



given the benefit of Section 41(a) of the Cr.P.C. He also relied upon the judgment passed in the case of **Gauri Shankar Roy Vs. The State of Bihar reported in 2015(3) PLJR 618** in which it is stated that anticipatory bail application is maintainable after giving benefit of Section 41(a) of the Cr.P.C. He submits that similarly situated co-accused has already been granted bail a coordinate Bench of this Court. He further submits that petitioner nos. 1 and 3 have no criminal antecedent and petitioner no. 2 has one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Agam Kuan P.S. Case No. 864 of 2022.

7. However, petitioners are at liberty to move before the learned court below for anticipatory bail, if cognizance is taken against them under Section 384 of the Indian Penal Code.

(Anjani Kumar Sharan, J)

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