

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68219 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

Prem Shankar Sah Son of Asharfi Sah R/O Village- Balthar, P.S.- Balthar,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74178 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

Sriram Kumar Son of Suresh Sah Resident of Nakchhed Bahuarwa, P.S.-
Purushottampur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68219 of 2022)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
Mr. Sachinand Rai, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 74178 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023

Cr. Misc. No. 68219 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Balthar



P.S. Case No. 42 of 2022 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 332, 333, 307, 337, 338, 379, 380, 427, 353, 447, 448, 452, 302, 395, 186, 188, 201, 436, 504, 506 and 120(B) of the Indian Penal Code (for short 'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 22.03.2022.

The allegation against the petitioner is to attack on police station alongwith 357 F.I.R. named persons and 100 unknown persons, while protesting custodial death. It is further alleged thereof that the police vehicles were put on fire and the number of police personnels were attacked by the mob causing bodily injuries, where one Havaldar was shot dead on the spot.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is appearing very much general and omnibus against this petitioner, where his name surfaced on serial number 241 amongst the column of named accused persons. It is submitted that several co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45630 of 2022 and Cr. Misc. No. 42801 of 2022 vide order dated 29.11.2022. While concluding the argument, it has been submitted that petitioner



found involved in two more cases arises out of same transactions and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balthar P.S. Case No. 42 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 74178 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Balthar



P.S. Case No. 42 of 2022 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 332, 333, 337, 338, 379, 380, 427, 435, 353, 447, 448, 452, 302, 395, 186, 188, 201, 504, 506 and 120(B) of the Indian Penal Code (for short 'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 16.08.2022.

The allegation against the petitioner is to attack on police station alongwith 357 F.I.R. named persons and 100 unknown persons, while protesting custodial death. It is further alleged thereof that the police vehicles were put on fire and the number of police personnels were attacked by the mob causing bodily injuries, where one Havaldar was shot dead on the spot.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is appearing very much general and omnibus against this petitioner, where his name surfaced on serial number 357 amongst the column of named accused persons. It is submitted that several co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45630 of 2022 and Cr. Misc. No. 42801 of 2022 vide order dated 29.11.2022. While concluding the argument, it has been submitted that petitioner



found involved in four more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balthar P.S. Case No. 42 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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