

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66813 of 2022

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

Sheikh Aurangjeb @ Salam Son Of Sheikh Sajjad R/O Village- Aryanagar,
P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1425 of 2023

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

Ritesh Yadav @ Ritesh Kumar Son Of Ramdhani Yadav @ Ramdhari Yadav
R/O Village- Balthar, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66813 of 2022)

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

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 1425 of 2023)

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable 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, 201, 436, 504, 506 and 120(B) of



the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the 357 F.I.R. named accused persons including the petitioners and 100 unknown persons entered into the premises of police station and set the government vehicles on fire. They attacked the police vehicles and were raising slogans to kill the police officials. It is further alleged that they attacked the members of police party due to which some got seriously injured and one Havaldar was shot dead at the spot.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that altogether in the present F.I.R. there are 357 named accused persons and 100 unnamed accused persons. He further submits that it appears from the F.I.R. that there is no specific allegation against these petitioners and there is general and omnibus allegation against these petitioners. The petitioner, namely, Sheikh Aurangjeb @ Salam is in custody since 30.06.2022 and petitioner, namely, Ritesh Yadav @ Ritesh Kumar is in custody since 12.05.2022. He further submits that similarly situated, co-accused persons, namely:-

1) Rameshwar Sah has been granted bail by a Co-



ordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 44899 of 2022.

2) Saheb Patel, Nitesh Patel, Ranjeet Patel and Raju Patel have been granted bail by a Co-ordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 44996 of 2022.

3) Subhan Sheikh @ Sheikh Subhan has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 45191 of 2022.

4) Rajendra Sah @ Rajendra Prasad, Ashok Kumar Gupta @ Ashok Kumar, Alok Kumar and Raju Prasad have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 42801 of 2022.

5) Munna Prasad @ Munna Kumar, Yogesh Prasad @ Yugesh Prasad, Mintu Sah @ Muntu Kumar, Seth Prasad @ Seth Sah, Arun Kumar @ Arun Sah, Anuj Sah @ Ranjvijay Kumar, Anil Sah @ Anil Kumar and Sunil Sah have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 45426 of 2022.

6) Arbind Kumar Yadav @ Arbind Yadav, Santosh



Yadav, Rupesh Kumar Yadav, Niraj Kumar Yadav, Shambhu Prasad, Ravi Shankar Prasad, Jatashankar Prasad, Munna Prasad @ Uday Shankar Prasad, Jagdish Sah, Naresh Patel and Pratibha Ranjan have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 45630 of 2022.

7) Prakash Kumar, Aatish Prasad, Uttam Prasad, Indrashan Sah, Mannu Sah @ Mannu Prasad Gupta, Sandeep Sah and Pradeep Sah have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 46459 of 2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner, namely, Sheikh Aurangjeb @ Salam carries one criminal antecedent and petitioner, namely, Ritesh Yadav @ Ritesh Kumar carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Balthar P.S.



Case No. 42 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 petitioner. 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.

(Rajesh Kumar Verma, J)

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