

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72786 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BALTHAR District- West Champaran

1. RAMESHWAR SAH S/O JAGAN SAH Resident of village- Balthar, P.S.- Balthar, District- West Champaran.
2. RAJAN KUMAR S/O PRABHU PRASAD Resident of village- Balthar, P.S.- Balthar, District- West Champaran.
3. RANJEET PATEL S/O ADALAT PATEL Resident of village- Balthar, P.S.- Balthar, District- West Champaran.
4. RAJU PATEL S/O ADALAT PATEL Resident of village- Balthar, P.S.- Balthar, District- West Champaran.
5. SAHIB PATEL S/O SHARMA PATEL Resident of village- Balthar, P.S.- Balthar, District- West Champaran.
6. NITESH PATEL S/O SHARMA PATEL Resident of village- Balthar, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Balthar P.S. Case No.44 of 2022 registered for the offences



punishable under Sections 147, 148, 149, 341, 323, 337, 338, 353, 186 and 188 of the Indian Penal Code.

As per the prosecution, the informant alleged that 373 named persons including these petitioners and 100 unknown persons created havoc on the road and committed violence against the police personnel in protest of death of a person.

The main submissions advanced by the learned counsel Mr. Sanjeev Kumar for the petitioners are that the alleged riot as well as blockade of road was the result of a custodial death of one person and after the said death 100 persons gathered and blocked the road and committed the alleged occurrence but in that occurrence no one sustained any type of injury and against the petitioners who are stated to be part of the alleged mob there is no any specific allegation and several co-accused persons have been granted Anticipatory Bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 46002 of 2022, 47506 of 2022, 46956 of 2022 and 50475 of 2022 and 48357 of 2022. Further submission is that petitioner No.1 is in custody since 26.07.2022 and the rest petitioners are in custody since 11.05.2022. Further submission is that out of the same set of occurrences two more cases bearing Balthar P.S. Case No.43 of 2022 and Balthar P.S. Case



No.42 of 2022 were also lodged by the police in which the petitioner No.3 was implicated and petitioner No.1, 2, 4, 5 and 6 have been implicated in Balthar P.S. Case No.42 of 2022 and except these cases there is no any other criminal case against the petitioners.

Learned APP Mr. Md. Mushtaque Alam appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the nature of allegation and also the privilege of Anticipatory Bail granted to several co-accused persons by Co-ordinate Benches of this Court vide orders passed in above-mentioned Cr. Misc. cases, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let all the petitioners 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 concerned Court in connection with Balthar P.S. Case No.44 of 2022.

(Shailendra Singh, J)

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