

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73326 of 2022

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

PRAKASH KUMAR Son of Prahalad Patel R/V- Balthar, P.S- Balthar, Dist-
West Champaran , Pin- 845307

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74992 of 2022

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

1. BABITA DEVI W/O MANAGER BAITHA Resident of village- Aryanagar, P.S.- Balthar, District- West Champaran.
2. SARITA DEVI W/O FANINDRA BAITHA @ FANINDR BAITHA Resident of village- Aryanagar, P.S.- Balthar, District- West Champaran.
3. LALMATI DEVI @ LALMUNI KUMARI @ LALMUNI DEVI W/O HARENDRA BAITHA Resident of village- Aryanagar, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73326 of 2022)

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP.

(In CRIMINAL MISCELLANEOUS No. 74992 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

Heard the parties.



The petitioners apprehend their arrest 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, 188, 201, 504, 506, 120(B) of the Indian Penal Code.

Allegedly, a mob of more than hundred villagers including the women and children armed with deadly weapons entered the police station premise and tried to flee away with the D.J. Van. When the police personnel protested, the mob became aggressive and started raising slogans and damaging the vehicles parked there. They also set fire on several vehicles, documents, records etc. and attacked upon the police personnel with deadly weapons, bricks and stones.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners were not present at the place of occurrence. No specific overt act has been attributed to the petitioners as they have been named only as members of the mob. Similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this court vide order dated 29.11.2022



passed in Cr. Misc. No. 42801 of 2022. Petitioner Lalmati Devi has two criminal antecedents whereas petitioner Prakash Kumar has no criminal antecedent. Rest of the petitioners have one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that one Constable namely Ramjatan Rai died on the spot while several other police personnel had sustained grievous injuries.

Having regard to the facts and circumstances of the case, as the petitioners have been named only as members of the mob, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Balthar P.S. Case No. 42 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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