

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73325 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- PARAIYA District- Gaya

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ASHISH KUMAR S/O SHAMBHU YADAV Resident of Village- Kosdihra,
P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate
For the State : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Paraiya P.S. Case No.09 of 2021, registered for offences under Sections 283, 147, 148, 149, 341, 325, 307 and 353 of the IPC.

The allegation is regarding the accused persons, including the petitioner herein having pelted stones on police personnel causing injury to the informant, when the police force had gone to the village in question to enquire about an incident pertaining to one electric pole having been dashed



by a sand loaded tractor. It is also alleged that the tractor of one Gorelal Yadav was involved in the incident and he had instigated the villagers to engage in the aforesaid mischief. The FIR is stated to have been lodged against 28 named accused persons and 50 unknown persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and in fact he has got no role in the alleged occurrence. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.07.2022 passed in Cr.Misc. No.57248 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case as also taking into account the materials available on record as also considering the parity of the case of the petitioner with that of co-accused persons, who have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, the above named petitioner is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Paraiya P.S. Case No.09 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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