

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75169 of 2022

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

1. MANAGER BAITHA Son of Late Rajdev Baitha Resident of Village - Aryanagar, P.S. - Balthar, Dist.- West Champaran.
2. Fanindra Baitha @ Farendra Baitha Son of Late Bachu Baitha Resident of Village - Aryanagar, P.S. - Balthar, Dist.- West Champaran.
3. Prince Kumar @ Prience Kumar Son of Harendra Baitha Resident of Village - Aryanagar, P.S. - Balthar, Dist.- West Champaran.
4. Binod Baitha Son of Ramdeo Baitha Resident of Village - Aryanagar, P.S. - Balthar, Dist.- West Champaran.
5. Harendra Baitha Son of Late Algu Baitha Resident of Village - Aryanagar, P.S. - Balthar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and Mr. Ram Sumiran Rai, learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Balthar PS Case No. 42 / 2022 dated 20-03-2022 registered under Section 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 IPC, Section 436 of the IPC added later on and Section 27 of



the Arms Act.

The prosecution story in brief is that 357 named accused persons including 100 unknown persons surrounded Balthar Police Station, Bettiah in protest of custodial death of one Anirudh Yadav. The mob ransacked the Police Station, set Govt. vehicles on fire and in the attack one Hawaldar sustained injury and subsequently died.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case along with 357 named accused and 100 unknown persons without any specific allegation. In fact entire villagers have been made accused in the present case by the Police without having any specific material against them. He next submits that similarly situated accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 42801 of 2022 along with other analogous cases (Annexure-2).

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that petitioners are member of mob, no specific allegation has been levelled against them and similarly situated accused have



been granted bail by this court, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Bettiah, West Champaran in connection with Balthar PS Case No. 42 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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