

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74449 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- TANKUPPA District- Gaya

RAJ KUMAR YADAV @ RAJ KUMAR PRASAD SON OF HULASH
PRASAD R/O VILL.- BARTARA BAZAR, P.S.- TANKUPPA, DISTT.-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard Mr. Gajendra Kuamar Singh, learned counsel
for the petitioner and Mr. Madan Kumar, learned A.P.P. for the
State.

The petitioner apprehends his arrest in connection
with Tankuppa PS Case No. 99 of 2021 dated 06.11.2021
registered under Section 147, 148, 188, 341, 342, 323, 326, 307,
333, 337, 338, 353, 504, 506, 427 of the IPC, Section 9 of the
Bihar Control of the Use and Play of Loudspeaker Act, 1953
and Section 27 of the Arms Act.

As per the FIR lodged on 06.11.2021 the Police
officials were on patrolling duty and when the patrolling party
reached near a market they saw that procession was going on for
idol immersion and loudspeaker was being played in high



volume. The police party stopped the vehicle and found that two co-drivers were in drunken condition and accordingly arrested them. This enraged the mob and 26 named accused persons as well as 100-150 unknown persons started raising slogan against the police party and pelted stone on them.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of his name being disclosed by the Choukidar. He further submits that petitioner has got no criminal antecedent and some of the similarly situated named accused persons have been granted bail by a Co-ordinate Bench of this court in Cr. Misc. No. 37219 of 2022 (Annexure -2 Series). The allegation against the petitioner is general and omnibus in nature.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that allegation against the petitioner is general and omnibus in nature, altogether 100-150 persons including the named accused persons, who were part of the mob have been made accused in this case and similarly situated accused persons have been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, 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) with two sureties of the like amount each to the satisfaction of Mrs. Ankita Neha, learned Judicial Magistrate, 1st Class, Gaya in connection with Tankuppa PS Case No. 99 of 2021 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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