

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1813 of 2023

Arising Out of PS. Case No.-497 Year-2021 Thana- HARNAUT District- Nalanda

1. KANHAIYA KUMAR Son of Late Sunder Singh @ Shyam Sunder Singh R/v- Birampur, P.S.- Harnaut, District- Nalanda
2. VIPUL KUMAR Son of Anil Singh R/v- Birampur, P.S.- Harnaut, District- Nalanda
3. CHINTTU KUMAR @ CHITTRANJAN KUMAR@ CHINTU KUMAR Son of Buddhan Singh R/v- Birampur, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Harnaut P.S. Case No. 497 of 2021, registered for the offence punishable under Sections 147, 149, 341, 323, 337, 504 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

The allegation is that a mob of about 150 persons, including the petitioners herein, was returning, after filling nomination of one co-accused person, namely, Manjuha Devi and on the way, while they had arrived at the door of the house



of the informant, they started raising slogans and had also engaged in brick-batting.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and others, however, the petitioners have not been alleged to have engaged in any sort of specific overt act.

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, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the petitioners have not been alleged to have engaged in any sort of specific overt act qua the informant and his family members, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Harnaut P.S.Case No. 497 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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