

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81518 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- BALIA BELON District- Katihar

1. Subhash Chandra Das @ Subhash Das Son Of Panchan Das @ Pancham Das Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
2. Bhajan Kr. Sharma @ Bhatna Sharma Son Of Nikku Sharma @ Nakku Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
3. Vijay Sharma Son Of Ratan Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
4. Satanu Sharma Son Of Fulsar Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
5. Bechan Sharma @ Bechna Sharma Son Of Late Fulsar Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
6. Habru Sharma Son Of Fulwa Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
7. Chikwa Sharma Son Of Lobin Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
8. Bikash Kr. Sharma Son Of Manoj Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
9. Nikku Sharma @ Nakku Sharma Son Of Boka Sharma @ Bodhan Sharma Resident Of Jalkar, Baluganj, P.S. - Balia Belon, District - Katihar
10. Sukardi Sharma Son Of Late Khargosh Sharma Resident Of Narayanpur, P.S. - Balia Belon, District - Katihar
11. Nengari Devi @ Nirmala Devi Wife Of Sukardi Sharma Resident Of Narayanpur, P.S. - Balia Belon, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 332, 333, 504, 506, 120(B), 427, 354 and 379 of the Indian Penal Code.

3. As per the prosecution case, all the F.I.R. named accused persons including these petitioners and 90 unknown accused persons alleged to have attacked on police personnel due to which the eight police got injured. It is further alleged that the crowd tried to loot the arms and also obstructed the government official works.

4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specif overt act against the petitioners. Nothing incriminating article has been recovered from the conscious possession of the petitioners. From bare perusal of the injury report it appears that the injury of the police persons are found simple in nature. Similarly situated co-accused, has been enlarged on bail by a co-ordinate bench of this court vide order dated 01.11.2023 passed in Cr. Misc. No. 69190 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the fact that co-accused persons have been granted anticipatory bail, 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 Balia Belon P.S. Case No.40 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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