

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11685 of 2024

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

1. Gautam Kumar S/O Nawal Paswan R/O VILLAGE- MOHANI, PS.- ASTHAWAN, DIST. NALANDA.
2. BANTI KUMAR S/O NAWAL PASWAN R/O VILLAGE- MOHANI, PS.- ASTHAWAN, DIST. NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 153, 153(a), 109, 186, 188, 295(A), 353, 341, 342, 323, 325, 307, 337, 338, 504, 506, 120B of the IPC.

3. The prosecution case, in short, is that on 30.05.2022, 31 named persons including the petitioners and several unknown persons were found indulged in the unlawful construction over an one acre fifteen decimal '*Gairmajarua Malik*' land, which was used as *Kabristan*. When the police party reached there, the mob started pelting stones, due to which, chaukidar sustained



grievous injury.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case merely on suspicion. There is no specific allegation against the petitioners rather the allegations are general and omnibus in nature. Petitioners, at best, can only be said to be the members of the mob. Several similarly situated co-accused have been granted anticipatory bail by co-ordinate benches of this Court in Cr. Misc. No.86601 of 2023 dated 24.01.2024, Cr. Misc. No.73111 of 2022 dated 29.04.2023 and Cr. Misc. No.71218 of 2022 dated 04.04.2023. Petitioners have no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted 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 court below where the case is pending/Successor Court in connection



with Asthawan P.S. Case No.159 of 2022, corresponding to GR
No.2455/2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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