

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14976 of 2024

Arising Out of PS. Case No.-804 Year-2022 Thana- MADHAURAH District- Saran

1. Jitendra Singh @ Batlu Singh @ Batlu S/o Rajdeo Singh R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran
2. Sonu Kumar Singh @ Sonu Kumar S/o Sanjay Singh R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran
3. Ankit Kumar S/o Jitendra Prasad R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran
4. Ravi Kumar @ Ravi Kr. Singh S/o Bijay Singh R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran
5. Ranu Kumar S/o Sanjay Singh R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran
6. Nandan Kumar Singh @ Mithu S/o Suresh Singh R/o ward no. 16, Marhowrah Khas (Vaishya Tola), P.S. - Marhowrah, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Harish Kumar, learned counsel for the

petitioners and Mr. Ashok Kumar Singh, learned APP for the

State.

2. The petitioners are apprehending their arrest in connection with Marhowrah P.S. Case No. 804 of 2022, F.I.R. dated 17.12.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 332, 333, 353, 506 of the Indian Penal Code.

3. As per the prosecution case, all the accused



persons including the petitioners armed with weapons surrounded the police and forcibly got released Jitendra Singh @ Batlu and Sonu Kumar from the custody of constable Subhodh Kumar singh and Sujit Kumar and when the police protested, they attacked the police party with sharp weapon and lathi, danda causing injury to the aforesaid two constables who were admitted to Government Hospital, Marhowrah.

4. Learned counsel for the petitioners submits that the petitioner nos. 3 to 6 have clean antecedents and petitioner nos. 1 and 2 carry one case other than the present one they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that due to Municipal Election the present occurrence had taken place and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that co-accused persons namely Pankaj @ Pankaj Kumar and Raushan Kumar @ Raushan Singh have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 27.07.2023 in Cr. Misc. No. 35974 of 2023 and Cr. Misc. No. 36128 of 2023, another co-accused



persons namely Seraj Khan and others have been granted the privilege of anticipatory bail by a Coordinate bench of this Court vide order dated 19.10.2023 in Cr. Misc. No. 64884 of 2023 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and apart from that petitioner nos. 1 and 2 carry one more case other than the present one but fairly submits that the petitioner nos. 1 and 2 are on bail in the pending matters.

6. Considering the aforesaid facts that there is no specific allegation of any assault or overt act attributed against the petitioners as well as co-accused persons have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail 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., Chapra, Saran in connection with Marhowrah P.S. Case No. 804 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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