

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22816 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Vishun Dev Yadav @ Vishun Devi Yadav Son of Late Bachhu Yadav Resident of Village-Balwapar, P.S.-Warisaliganj, District-Nawada.
2. Upendra Yadav Son of Vishun Dev Yadav @ Vishun Devi Yadav Resident of Village-Balwapar, P.S.-Warisaliganj, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Warisaliganj P.S. Case No. 27 of 2024 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 332, 337, 338, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on the alleged date and time of occurrence, two communities i.e. Dhanuk and Yadav, in order to control the business of railway rack, were firing with illegal fire-arms on each other and when the informant along with other police personnel arrived at the place of occurrence,



they saw that three persons are lying in an injured condition on road, then they were sent to Primary Health Centre, Warisaliganj by police vehicle, in the meantime, both groups started pelting stones and bricks on police party, as a result of which, one of the police personnel sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He submits that the F.I.R. has been lodged against 59 named including the petitioners, persons for pelting stones and making indiscriminate firing. He further submits that there is no specific allegation against the petitioners rather the same is general and omnibus in nature. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are only the mute spectators and, at best, they are only the member of the mob. The name of the petitioners have transpired in this case on the basis of the statement of local Chaukidar. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioners have no concern with the alleged occurrence.

5. Learned counsel for the petitioners further submits that several co-accused persons have been granted anticipatory



bail by a Co-ordinate Bench of this Court vide orders 14.03.2024 passed in Cr. Misc. Nos. 15837 of 2024, 15961 of 2024 and 15686 of 2024. He further submits that co-accused Chandan Kumar and others have also been granted regular bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 15724 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Warisaliganj P.S. Case No. 27 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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