

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28715 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- BIHTA District- Patna

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Kundan Kumar S/O Devendra Rai @ Devendra Ray R/O Village- Musepur,
P.S- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S Case No. 390 of 2023 dated 24.04.2023 registered for the offence punishable u/s 147, 148, 149, 341, 323, 325, 307, 353, 332, 333, 224, 225 and 427 of the I.P.C.

3. As per the prosecution case, on 23.04.2023 during patrolling, the excise police found some persons creating nuisance in the intoxicated condition out of whom the petitioner was apprehended and when the preparation four breath analyzer examination was being made then 50-60 persons holding lathi, danda, bricks and stones etc surrounded the excise police and



assaulted them to release the Tota Rai from the police custody. The police personnel sustained head injury. The said persons also damaged the police vehicles by bricks, stones and lathi.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Similarly situated co-accused has already been granted anticipatory bail by the co-ordinate bench of this court *vide* order dated 03.01.2024 passed in Cr. Misc. No. 77050 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Danapur, Patna, in connection with Bihta P.S Case No. 390 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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