

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30624 of 2024

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

1. Nitish Kumar S/o Sanjay Yadav R/o vill - Balwapur, P.s. - Warisaliganj, Distt. - Nawada
2. Subhash Yadav @ Subhash Kumar S/o Vijay Yadav @ Bijay Yadav R/o vill - Balwapur, P.s. - Warisaliganj, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Warisaliganj P.S. Case No. 27 of 2024 instituted for the offences under Sections 147, 148, 149, 323, 324, 332, 333, 337, 338, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on receipt of information that two groups of criminals are fighting and indiscriminately firing on each other for illegally occupying business at railway rack point, Warsaliganj in which accused persons were from two castes i.e. Dhanuk and Yadav, the police reached at the place of



occurrence and saw three persons were lying in injured condition on the road who were sent to PHC, Warsaliganj for treatment by police vehicle. It is alleged that when the police party tried to pacify the violent crowd including one village head namely Dilip Raut of village Rajpur Saur Panchayat, they started pelting stones indiscriminately on the police party as well. The police also recovered 13 empty cartridges of different category from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. They have been made accused in this case only because they are resident of Balwapar. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the alleged occurrence and, only on suspicion, they have been apprehended in the present case. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioner no.1 has three criminal antecedents whereas petitioner no.2 has five criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioners are languishing in judicial



custody since 13.01.2024.

5. Learned counsel for the petitioners again submits that the co-accused Rajesh Yadav has been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 23492 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the similarly situated co-accused having been granted bail by this Court, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warisaliganj P.S. Case No. 27 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

