

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39017 of 2024

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

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1. Arvind Kumar Son of Sri Ram Prasad Ray Resident of village - Musepur, Police Station - Bihta, District - Patna.
 2. Shahan Shah @ Pappu @ Pappu Rai Son of Late Bali Ray Resident of village - Musepur, Police Station - Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Adv

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S Case No. 390 of 2023 dated 24.04.2023 registered for the offence punishable u/ss 147, 148, 149, 341, 323, 325, 307, 353, 332, 333, 224, 225 and 427 of the Indian Penal Code.

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 co-accused, namely, Tota Rai was apprehended and when the preparation for 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 co-accused Tota Rai from 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 petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that the petitioners were not present at the time of said occurrence rather the petitioner no. 1 had gone outside of village for his urgent work and the petitioner no. 2 had gone to distribute the wedding card of his daughter at Manoharpur Kachhuara. There is no specific allegation is made out against the petitioners. There is general and omnibus allegation levelled against the petitioners. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 03.01.2024 passed in Cr. Misc. No. 77050 of 2023. The petitioners have 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



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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