

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35888 of 2024

Arising Out of PS. Case No.-128 Year-2022 Thana- BIHPUR District- Bhagalpur

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1. Basu Dom @ Basudeo Mallik @ Vaso Dom Son of Chhatis Dom @ Satish Mallik Resident of Village - Balha Narayanpur Ward no 3, P.S. - Bhawanipur(Bihpur), District - Bhagalpur .
 2. Shyamvati Devi Wife of Basu Dom @ Basudev Mallik @ Vaso Dom Resident of Village - Balha Narayanpur Ward no 3, P.S. - Bhawanipur(Bihpur), District - Bhagalpur .

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341,323, 186, 188, 189, 353, 436, 504, 506 of the Indian Penal Code.

3. Allegedly, the petitioner along with other co-accused persons obstructed in the official duty of the Government officials with regard to the removal of encroachment. It is further alleged that the accused persons assaulted the police officials by pelting bricks and stones due to which they sustained injuries.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 09.10.2023 passed in Cr. Misc. No. 9782 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused has been granted anticipatory bail by this Court, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bihpur (Bhawnaipur) P.S. Case No.128 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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