

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38793 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- KISHANPUR District- Supaul

1. Kiran Devi W/O Dev Narayan Yadav Residents of Mehasimar, Ward No.11, P.S. - Kishanpur, Distt. - Supaul
2. Komal Devi W/O Rajesh Yadav Residents of Mehasimar, Ward No.11, P.S. - Kishanpur, Distt. - Supaul
3. Aarti Devi @ Aarti Kumari W/O Anil Kumar Residents of Mehasimar, Ward No.11, P.S. - Kishanpur, Distt. - Supaul
4. Rajesh Yadav S/O Satydev Yadav Residents of Mehasimar, Ward No.11, P.S. - Kishanpur, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2024 1. 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, 148, 149, 341, 323, 353 and 307 of the Indian Penal Code as well as Section 45 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 have antecedent of one case, petitioners no. 3 and 4 are persons with clean antecedent and petitioners no. 1, 2 and 3 are women.



4. It is submitted that petitioners have been falsely implicated in the present case with an allegation that the informant along with the police force had gone to arrest Anil Kumar and when Anil Kumar was arrested, it is alleged that a mob gathered and obstructed the police in discharge of their official duty and also assaulted the police force with a view to free Anil Kumar. It is further submitted that the allegation of creating obstruction in discharge of official duty is ornamental for the reason that Anil Kumar was arrested and was taken to police station and as far as participation of the petitioners in the occurrence is alleged, the said allegation is general and omnibus in nature.

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

6. 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



Kishanpur P.S. Case No. 196 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners no. 1 and 2 have antecedent of more than one case and petitioners no. 3 and 4 have antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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