

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41108 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

Manoj Kumar @ Manoj Kumar Singh @ Manoj Singh son of Late Kamla Singh R/o Village- Saripur Ps- Sandesh Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42275 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

Arjun Kumar @ Arjun Yadav S/o Upendra Yadav @ Bhuto Yadav R/o Village-Saaripur, P.S.-Sandesh, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42570 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

Rajesh Yadav @ Garaja @ Rajesh Kumar Son Of Late Deonath Yadav @ Deonandan Yadav Village- Bishunpur, P.S.- Chandi, Distt.- Bhojpur At Ara (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 43188 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

- 1. Nagendra Kumar @ Pali Son Of Umesh Yadav
- 2. SHRAWAN KUMAR SON OF KRISHNA YADAV.
Both R/o Village- Salempur, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s



Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46527 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

Dipu Tiwari @ Baba Son Of Dharmnath Tiwari R/o Village- Saripur, Ps- Sandesh, Dist- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 41108 of 2024)
For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 42275 of 2024)
For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 42570 of 2024)
For the Petitioner/s : Mr.Raj Narayan Mishra, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 43188 of 2024)
For the Petitioner/s : Mr.Raj Narayan Mishra, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 46527 of 2024)
For the Petitioner/s : Mr.Shubham Sourav, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard learned counsels for the petitioners and learned Additional Public Prosecutors for the State in all the applications pertaining to same FIR.

2. The petitioners are apprehending their arrest in connection with Chandi P.S.Case No.307 of 2023,FIR dated 22.11.2023 registered for the offences punishable under Sections 147,341,342,323,332,333,307,427 and 353 of IPC.



3. Allegation against the petitioners is that they alongwith other accused persons surrounded the police, using filthy language to them and started pelting bricks and stones. The pelted bricks and stones by them completely damaged the vehicle of the police and causing serious injury to the driver of the vehicle.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and from a bare perusal of the FIR it appears that the petitioners have not committed any offence as alleged in the FIR. As per FIR, allegation against the petitioners and other accused persons is that they started pelting stones on the police party but there is no specific allegation against the petitioners and other co-accused persons, namely, Ravish Kumar @ Abhishek Kumar, Dablu Kumar, Surendra Yadav @ Surendra Kumar @ Satyendra Yadav, Akash Kumar have been granted privilege of anticipatory bail by this Court vide orders dated 14.03.2024 and 12.07.2024 passed in Cr.Misc. Nos.17855 of 2024, 30513 of 2024 and 30173 of 2024 respectively.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR



and apart from the aforesaid, the petitioner, namely, Manoj Kumar @ Manoj Kumar Singh @ Manoj Singh carries two more cases other than the present one but fairly submits that out of two cases, he is on bail in one case, petitioner, namely, Arjun Kumar @ Arjun Yadav carries four more cases other than the present one but fairly submits that he is on bail in all the cases, petitioner, namely, Rajesh Yadav @ Garaja @ Rajesh Kumar carries one more case other than the present one but fairly submits that he is on bail in the said case, petitioner, namely, Nagendra Kumar @ Pali carries four more cases other than the present one but fairly submits that he is on bail in all the cases, petitioner Shrawan Kumar has clean antecedent and petitioner Dipu Tiwary @ Baba carries five more cases other than the present one but fairly submits that he is on bail in all the cases.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No.307 of 2023, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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