

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41041 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- RISIYAP District- Aurangabad

1. Sandip Sao @ Sandip Kumar Son of Sanjay Sao Resident of village - Khedpura, P.S.- Risiup, District - Aurangabad, Bihar.
2. Pintu Sao @ Pinku Kumar Son of Sanjay Sao Resident of village - Khedpura, P.S.- Risiup, District - Aurangabad, Bihar.
3. Sanjay Sao Son of Laxshman Sao Resident of village - Khedpura, P.S.- Risiup, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Chandna, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2024 Learned counsel for the petitioners seeks permission to withdraw the present petition against petitioner no. 3, Sanjay Sao, as he has been arrested during pendency of the present petition.

02. Permission is accorded.

03. Accordingly, the present petition stands dismissed as withdrawn against petitioner no.3, Sanjay Sao.

04. Heard learned counsel for the petitioners and learned A.P.P. for the State.

05. In the present case, the petitioners are apprehending their arrest in connection with Risiup P.S. Case No. 22 of 2024, registered for the alleged offence under Sections 147, 149, 323, 307, 353, 332, 336, 337, 504, 506 of the Indian Penal Code.



06. As per prosecution case, during immersion of idol of Goddess Saraswati, the informant prevailed upon the processionists to immerse the idol at certain place in a canal. Aggrieved by the act of the informant, the petitioners and a number of the other co-accused persons surrounded the police party and abused and assaulted them. The *chowkidar* disclosed the name of the petitioners along with 17 other named co-accused persons apart from 15 unknown persons.

07. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Petitioners were not present at the place of occurrence at the alleged time and date. The petitioner never prevented the police party in discharging its duties. The petitioners are having clean antecedent.

08. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

09. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioners along with general and omnibus allegations without substantive material against the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of



Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Risiup P.S. Case No. 22 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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