

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49449 of 2024

Arising Out of PS. Case No.-994 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. Sonu Kumar, (Male), aged about 24 years, Son of Shiv Balak Singh, Resident of Vill- Mahaddiganj, P.S.- Sasaram (M), District- Rohtas.
2. Vikram Kumar, (Male), aged about 21 years, Son of Sudama Singh, Resident of Vill- Mahaddiganj, P.S.- Sasaram (M), District- Rohtas.
3. Ashu Kumar @ Aashu Kumar @ Vivek Kumar, (Male), aged about 18 years, Son of Sukrit Seth, Resident of Vill- Mahaddiganj, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajani Kant Singh, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sasaram Town P.S. Case No. 994 of 2023 dated 27.10.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 379, 504, 506, 354 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 26.10.2023 at about 6.30 P.M., the informant's wife alongwith female and male members of the surrounding area were sitting at the door then 60-70 people came there lashed with arms and assaulted by



abusing them. The petitioners and other co-accused persons alongwith 40-50 persons were involved in assaulting them and he also stated that on seeing, he can identify the others 40-50 persons. It is further alleged that the co-accused Manu Kumar, Rahul Kumar, Nitish Kumar and Pappu Kumar @ Billa were carrying country made pistols with them to spread terror and rest of the persons were carrying lathi, danda, sword, iron rod etc. It is further alleged that the co-accused Manu Kumar and Nitish Kumar abused him and his wife alongwith two female members and outrage their modesty and on protest, they damaged his *i10 car, Tempo and Electric Meter*. It is further alleged that the co-accused Pappu Kumar @ Billa snatched golden chain of *two bhars* from the neck of the informant's wife and the co-accused Mannu Kumar took purse containing Rs. 6,000/- from the pocket of the informant. It is further alleged that in course of scuffle, the co-accused Nitish Kumar and Rahul Kumar took *Inverter and Battery* after entering the house of the informant. When the nearby people assembled there, the accused persons opened fire from their country made pistols and also threatened that if the case is filed then the informant alongwith his family members would be killed. Anyhow, they saved their lives. The reason behind the occurrence is that two



days ago, the co-accused Pappu Kumar @ Billa and Rahul Kumar outraged the modesty of the women in the *Durga Puja Fare* which was protested by the informant and for taking revenge from him, this occurrence took place by the accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioners. The petitioners are only the members of the mob. The petitioners neither participated in the alleged occurrence nor they abused and assaulted any of the member of the prosecution party. It is further submitted that the wife of the informant is an elected *Nigam Parishad* and due to political rivalry, the petitioners have been dragged in the present case. No incriminating article has been recovered from the possession of the petitioners. The other co-accused persons Amit Kumar and Ankit Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 8519 of 2024 under order dated 06.03.2024, annexed as Annexure-P/2 to the present bail application. The petitioner no. 1 has one criminal antecedent in which he is on bail and the petitioner nos. 2 and 3 have clean antecedent as stated in paragraph no. 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/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram, in connection with Sasaram Town P.S. Case No. 994 of 2023, subject to the condition 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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