

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50352 of 2024

Arising Out of PS. Case No.-100 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Tarjan Sao @ Vivek Kumar Son Of Ishwari Sao Resident of Village- Budhgere, Ps- Mufassil, District- Gaya
2. Sanjay Kumar @ Sanjay Prasad Son Of Ramjanam Prasad @ Rajaram Prasad Resident of Village- Budhgere, Ps- Mufassil, District- Gaya
3. Shani Sao @ Shani Dev @ Sani Dev @ Sanny Kumar @ Sanny Sao Son Of Gaya Sao, Resident of Village- Budhgere, P.S- Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Shailesh Kumar, learned counsel for the

petitioners and Mr. Jharkhandi Upadhyay, learned APP for the

State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 100 of 2020, F.I.R. dated 10.03.2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 353, 332, 333, 427, 435, 504, 506, 337 and 338 of the Indian Penal Code.

3. The prosecution case is that due to death of Bittu Saw, 44 persons along with 500 unknown including the petitioners, made protest and when Police personnel reached



there then mob of several persons including the petitioners attacked on the Police party due to which a number of police parties sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegations against all the accused persons including the petitioners. He further submits that co-accused person namely Badal Kumar @ Prince Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 32820 of 2021, another co-accused persons namely Dino Sao @ Dinesh Kumar Gupta @ Dina Sao, Dina Yadav and Satendra Yadav have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 59513 of 2021 and Cr. Misc. No. 60471 of 2021, and a number of co-accused persons have also been granted the privilege of anticipatory bail by a different Co-ordinate Benches of this Court.

5. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioners and submits that the petitioner no. 1 carries one more more case, petitioner no. 2 carries two more cases and petitioner no. 3 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that all the petitioners are on bail in the pending matters..

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 100 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.



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

(3) 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)

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