

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55460 of 2024

Arising Out of PS. Case No.-173 Year-2018 Thana- MOTIPUR District- Muzaffarpur

SUBHASH KUMAR SON OF RADHA RAI VILLAGE -MOTIPUR, BUS
STAND SUNDER SARAY, PS- MOTIPUR, DISTRICT -MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 09-08-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Motipur P.S. Case No.173 of 2018, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 379, 447, 427 of the Indian Penal Code.
3. The allegation is regarding the accused persons including the petitioner herein having arrived at the house of the informant, whereafter they had attacked the informant and his wife with lathi, danda, spade, iron rod, etc and had also taken away articles from the house of the informant.
4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in



the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the F.I.R. would show that a general and omnibus allegation has been levelled against the accused persons including the petitioner and in fact as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of specific overtact. It is also submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 18.02.2019, passed in Cr. Misc. No.80753 of 2018, as also some of the co-accused persons have been granted regular bail by this Court, vide order dated 21.05.2018, passed in Cr. Misc. No.29313 of 2018.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory/regular bail, apart from the fact that a general and omnibus allegation has been levelled



against the petitioner and he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., West Muzaffarpur, in connection with Motipur P.S. Case No.173 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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