

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71122 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- KAKO District- Jehanabad

1. Chhotu Kumar Son of Sri Ramashish Yadav Resident of Village - Barbatta, P.S. - Kako, District - Jehanabad, Bihar, Pin Code - 804418
2. Maruti Kumar Son of Sri Ramashish Yadav Resident of Village - Barbatta, P.S. - Kako, District - Jehanabad, Bihar, Pin Code - 804418
3. Mantu Kumar Son of Shiv Ratan Yadav Resident of Village - Barbatta, P.S. - Kako, District - Jehanabad, Bihar, Pin Code - 804418

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kako P.S. Case No. 142 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, on 28.05.2024, on instruction of In-charge Assistant Sub-Inspector Excise Department, the informant proceeded for raid. In course of raid, the informant reached at '*Barbatta More*' where she found petitioner no.3 in intoxicated condition. It is further alleged that



on instruction of petitioner no.3, petitioner nos. 1&2 along with about 25-35 unknown persons started pelting stones upon the raiding party due to which one police constable has sustained injury.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Nothing specific has been attributed against the petitioners rather there is general and omnibus allegation against them. Though there is allegation of pelting stones upon the raiding party, but as per the injury report of the injured Rina Kumari, the injury was found simple in nature. Learned counsel further submits that petitioner nos. 1&3 have no criminal antecedent, whereas petitioner no.2 has one criminal antecedent.

5. Learned APP for the State opposes the prayer for bail and submits that there is direct allegation against the petitioners to create hindrance in duty of the officials by pelting stones upon them. Hence, the petitioners do not deserve the privilege of anticipatory bail.



6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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