

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47796 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- BASANTPUR District- Siwan

1. Dhiraj Rai @ Dhiraj Kumar S/o Late Brij Kishore Rai R/o Village Madarpur, P.S. Basantpur, (Lakri Nabiganj O.P.), District Siwan
2. Sikandar Rai @ Sikandar Yadav S/o Ambika Rai R/o Village Madarpur, P.S. Basantpur, (Lakri Nabiganj O.P.), District Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 82288 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- BASANTPUR District- Siwan

Prakash Kumar @ Prakash Kumar Sh @ Prakash Kumar Sah S/o- Vijay Sah @ Vijay Kumar Prasad Village- Lakhnaura PS-Basantpur District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47796 of 2024)

For the Petitioners : Mr. Javed Aslam, Advocate

For the State : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 82288 of 2024)

For the Petitioner : Mr. Aquaib Khan, Advocate

For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-12-2024 Both the petitions have been taken up together as they arise out of same Basantpur (Lakri Nabiganj O.P) Police Station Case No.531 of 2023.

2. Heard Ld. counsel for the Petitioners and Ld. APP for the State.



3. The Petitioners seek anticipatory bail, apprehending their arrest, in connection with Basantpur (Lakri Nabiganj O.P) Police Station Case No.531 of 2023 dated 08.10.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 337, 338, 353, 332, 333 and 504 of the Indian Penal Code.

4. As per the allegation, the informant along with police force reached the house of the co-accused Dilip Shah on information that he is selling illegal liquor from his house. When they reached place of occurrence, Dilip Shah and his family members, having *lathi*, iron rod, *farsa* and brick in their hands, attacked the police. It is specifically alleged that it is Dilip Shah who assaulted the *chowkidar* Tuntun Kumar causing injury to him. There were unlawful assembly of many co-villagers who were throwing brick and stone on the police force causing injury to one Sub Inspector, Vikas Kumar and even Dilip Shah has got some injury.

5. However, Ld. counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that there is no specific allegation against them and they have been shown only as part of mob. As a matter of fact, they are not involved in the



alleged offence and their name have been roped in in the FIR only on account of suspicion, allegedly on identification by the *chowkidar*.

6. It is also stated in paragraph no. 2 of the bail petition that the Petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the Petitioner No.1 in Cr. Misc. No.47796 of 2024 has been made accused in one other case whereas, the other Petitioners have no criminal antecedent.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the Petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-X, Siwan, in connection with Basantpur (Lakri Nabiganj O.P) Police Station Case No.531 of 2023, subject to the conditions as laid down under Section 438



(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the Petitioners.

(Jitendra Kumar, J.)

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