

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87940 of 2024

Arising Out of PS. Case No.-459 Year-2024 Thana- MUFFASIL District- Aurangabad

1. Rajesh Kumar Singh Son of Late Awdhesh Singh @ Awdhesh Kumar Singh Resident of Village - Bharthauli, P.S. - Muffasil, District - Aurangabad
2. Raju Kumar Son of Bhola Ram Resident of Village - Bharthauli, P.S. - Muffasil, District - Aurangabad
3. Bhola Ram Son of Ghuran Ram Resident of Village - Bharthauli, P.S. - Muffasil, District - Aurangabad
4. Rahul Singh Son of Dilip Singh Resident of Village - Bharthauli, P.S. - Muffasil, District - Aurangabad
5. Nikhil Kumar Singh Son of Birendra Singh Resident of Village - Bharthauli, P.S. - Muffasil, District - Aurangabad
6. Manish Kumar Singh Son of Late Harivansh Singh Resident of Village - Raipura, P.S. - Muffasil, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Muffasil PS Case No. 459 of 2024 instituted for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 121(1), 121(2), 125, 109(1), 132 & 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 37(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that informant on



information with regard to altercation took place between two groups, who had contested the PACS election, reached at the place of occurrence. On seeing the police party, the persons who were in an inebriated condition abused the police and also pelted stones upon them due to which some police personnel sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. It is submitted that so far as injury of the police personnel is concerned, the same is found to be simple in nature. There is general and omnibus allegation levelled against the petitioners. It is submitted that petitioner Nos. 1, 2 & 3 are alleged to have been found in an intoxicated state. There is no compliance of Section 100 of the Cr.P.C. The petitioners are in custody since 30-11-2024. Petitioner No.1 bears two criminal antecedents, whereas petitioner Nos. 2 to 6, bears no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, clean antecedent of the petitioners and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil PS Case No. 459 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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