

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2676 of 2024

Arising Out of PS. Case No.-313 Year-2021 Thana- EKANGARSARAI District- Nalanda

1. Shashibhushan Kumar @ Bablu Kumar, S/O - Birendra Prasad, R/O Village - Dhanhar, PS- Ekangar Sarai, District- Nalanda
2. Shiv Shankar @ Shiv Shankar Kumar @ Tullu @ Tullu Kumar, S/o - Ram Nandan Prasad @ Ram Nandan Mahtor, R/o - Village - Gondar Bigha (Ekangar Sarai) P.s. - Ekangar Sarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2761 of 2024

Arising Out of PS. Case No.-313 Year-2021 Thana- EKANGARSARAI District- Nalanda

Tarun Kumar @ Tuntun Kumar, S/O-Late Krishna Prasad, R/O Village- Kundwapar PS Ekangar Sarai Dist Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2676 of 2024)

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 2761 of 2024)

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Since both the petitions arise out of Ekangarsarai P.S.Case No. 313 of 2021, as such, they have been taken up together and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. In the present cases, the petitioners are apprehending their arrest in connection with Ekangarsarai P.S.



Case No. 313 of 2021 registered for the alleged offences under Sections 147, 149, 188, 341, 342, 323, 353, 332, 427, 504 and 506 of the Indian Penal Code.

4. As per prosecution case, the petitioners along with other co-accused persons, who were named by the police, put blockade on the road and attacked the police party after keeping the dead body of one Rajesh Kumar at the road. These persons damaged the buses and resorted to brick-batting against the police party.

5. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The prosecution case is not believable as in the dead night the road was being blocked. The petitioners were not present at the place of occurrence. All the petitioners went at the spot to verify whether there was any blockade since they were expecting some consignment coming to the PACS. The petitioner Tarun Kumar is the Chairman of PACS. The learned counsel further submits that there is no allegation of causing any injuries though a number of allegations about causing damage and assault have been levelled. The petitioners have no criminal antecedents.

6. Learned APP vehemently opposes the submissions



made on behalf of the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general nature of allegation against the petitioners without any substantive material and further considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Hilsa, Nalanda, in connection with Ekangarsarai P.S. Case No. 313 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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