

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3898 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

1. Santosh Yadav @ Santosh Kumar S/O Upendra Prasad Yadav R/O - Ranjit Gope Lane, Parbatti, P.S.- University, District- Bhagalpur
2. Savan Yadav @ Savan Kumar S/O Upendra Prasad Yadav R/O - Ranjit Gope Lane, Parbatti, P.S.- University, District- Bhagalpur
3. Lalu Mandal @ Lalan Mandal S/O Dipnarayan Mandal R/O - Parbatti, P.S.- University, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4305 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Raja Mandal @ Rajesh Kumar S/O Binod Mandal R/O Village- Jantikri Lane, Parbatti, P.S.- University, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3898 of 2025)

For the Petitioner/s : Mr. Amrendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

(In CRIMINAL MISCELLANEOUS No. 4305 of 2025)

For the Petitioner/s : Mr. Amrendra Kumar Jha

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 19-03-2025 **1.** As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being decided together.
- 2.** Heard learned counsel for the petitioners and the learned APP for the State.



3. The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 343 of 2024 dated 06.11.2024 registered for the offence(s) punishable under Section(s) 190, 191(2), 191(3), 115(2), 118(1), 109, 132, 324(4), 352, 351(2), 223 and 61(2) of the B.N.S.

4. The main submissions advanced by the learned counsel appearing for all the petitioners are that as per the prosecution story, an incident of riot took place in which more than 40 persons were involved and the petitioners have been made accused mainly on the basis of identification of their presence at the place of occurrence at the relevant time on the basis of CCTV footage, except this, there is no material to show the petitioners' involvement in the alleged crime and as per the FIR, several persons sustained injuries but the prosecution has failed to produce the injury reports of all the said injured persons except one injured. It is further submitted that though the petitioners in Cr. Misc. 3898 of 2025 have criminal antecedents of some cases but they are on bail in all the said cases and the petitioner Raja Mandal @ Rajesh Kumar in Cr. Misc. No. 4305 of 2025 has no criminal antecedent as he has been acquitted in two cases in which FIR were lodged against him prior to the FIR of the present matter. He lastly submitted



that the alleged offences were not pre-planned and the same are alleged to have taken place in the spur of moment on account of some dispute relating to the procession for the immersion of Hindu Goddess. The prosecution story has been exaggerated in the FIR as injury report of only one person has been filed by the prosecution whereas as per the allegation, several persons sustained injuries in the alleged occurrence and further, the prosecution has not pointed out the petitioners' specific role in assaulting the said one injured.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioners and submits that all the petitioners in Cr. Misc. 3898 of 2025 have criminal antecedents of several cases and their presence at the place of occurrence during the relevant time of the commission of the alleged occurrence was found on the basis of the examination of the CCTV footage and they were involved in the commission of the alleged occurrence.

6. Heard both the sides, perused the FIR and case diary of this case. Though, all the petitioners are named in the FIR and as per the prosecution story, more than 30 persons are alleged to be involved in the alleged occurrence but the prosecution has not pointed out the specific role of the



petitioners in the commission of the alleged offences and mainly on the basis of their presence at the alleged place of occurrence, they have been made accused and as per the case diary, only one police official sustained injury though the investigation is running but the investigating officer has not succeeded to get the details of other injured persons and the alleged occurrence mainly relates to riot which is said to have taken place in the spur of moment on account of some misbehaved conducts. Considering these facts, this court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Kotwali P.S. Case No. 343 of 2024 on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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