

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29092 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- NADI P.S. District- Patna

1. Ashok Kumar S/o Late Hari Gope Resident of Village- Jethuli, P.S.- Nadi, District-Patna, Bihar
2. Kishan Rai @ Krishna Prasad S/o Ram Pratap Rai Resident of Village- Jethuli, P.S.- Nadi, District- Patna, Bihar
3. Shesnath Gope @ Shesh Narayan Yadav S/o Late Jagdish Gope Resident of Village- Jethuli, P.S.- Nadi, District- Patna, Bihar
4. Gaurav Kumar S/o Surendra Rai Resident of Village- Jethuli, P.S.- Nadi, District- Patna, Bihar
5. Shashi Kumar S/o Sheshnath Gope @ Shesh Narayan Yadav Resident of Village- Jethuli, P.S.- Nadi, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Saket Anand, Adv.
For the State	:	Mr.Sanjay Kumar Tiwary, APP
For Informant	:	Mr.Sudhir Kumar Singh / Mr. D.K.Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-01-2025 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail petition so far as petitioner no. 3 (Shesnath Gope) is concerned, since during pendency of this bail petition, petitioner no. 3 has been arrested.

2. Permission is granted.

3. The anticipatory bail petition, in respect of petitioner no. 3, stands dismissed as withdrawn.

4. The petitioners (petitioner nos. 1, 2, 4 & 5) apprehend their arrest in a case registered for offence under



Sections 147, 148, 149, 120B, 395, 307, 436, 427 and 353 of the Indian Penal Code and Section 27 of the Arms Act.

5. As per prosecution case, all the F.I.R. named accused persons including these petitioners pelted stones and fired upon police party. It is further alleged that accused persons also burnt police vehicles, parked outside the godown.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case only on suspicion. Allegation is general and omnibus and no specific overt act has been alleged against petitioners.

7. However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that as per F.I.R. itself, these petitioners alongwith others pelted stones, fired upon police party, as a result of which some of the police personnel sustained injury. He further submits that anticipatory bail petitions of two co-accused namely Chandan Kumar and Rajiv Kumar have already been rejected by this Court, vide order dated 19.06.2024 in Cr.Misc. No. 31216/2024 and order dated 04.07.2024 passed in Cr.Misc. No. 36577/2024. Besides this, petitioner no. 1, 4 & 5 have got one criminal antecedent.

8. Considering the nature of accusation, criminal



antecedent and the fact that bail petitions of two co-accused have already been rejected, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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