

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29788 of 2025

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Santosh Kumar @ Santosh Prasad son of Shankar Prasad Resident of Village- Nai Bazar, Ps- Bhagwan Bazar, Dist- Saran
2. Ayush Kumar son of Santosh Kumar @ Santosh Prasad Resident of Village- Nai Bazar, Ps- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Vijay Kumar Srivastva, learned counsel

for the petitioners and Mr. Rajendra Nath Jha, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, F.I.R. dated 27.10.2023 for the offences punishable under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427, 120(B) of the Indian Penal Code and Section 9 of the Bihar Control of Use and Play Loudspeaker Act.

3. According to prosecution case, the petitioners and other co-accused persons created the panic moment during a

festival.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and it appears from the F.I.R. that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that on the basis of the disclosure made by the local people the name of the petitioners has been transpired in the present case and apart from that the similarly situated co-accused person, namely, Sanjay Kumar has been granted the privilege of anticipatory bail vide order dated 22.05.2024 in Cr. Misc. No. 32926 of 2024 and number of similarly situated co-accused persons have also been granted the privilege of anticipatory bail by the Co-ordinate Bench of this Court.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners have clean antecedent and there is no specific allegation of assault or overact is attributed against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the

date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the

acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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