

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60605 of 2017

Arising Out of PS.Case No. -322 Year- 2017 Thana -JAMUI District- JAMUI

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Jitendra Kumar Sah @ Jitendra Sah S/o Sita Ram Sah, R/o Village-Navinagar, P.S.- Jamui, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. Petitioner is in custody in connection with Jamui P.S. Case No.322 of 2017 registered for the offence under section 307 and other allied sections of the Indian Penal Code.

3. The informant happens to be the S.H.O. of Jamui police station. He has alleged that on 30.09.2017 the petitioner in a mob of about 300 people obstructed a religious procession and tried to disturb the communal harmony among the local people. The informant along with police party intervened to pacify the matter whereupon the accused persons started pelting stones and also caused injury to the police personnel.

4. Learned counsel for the petitioner submits that for



the alleged occurrence, three cases were registered. Two cases were registered by the members of two different communities and third by the police. The allegation of assault and pelting stones on police party is omnibus. In the said occurrence, none of the police persons sustained any injury and so no offence under section 307 of the Indian Penal Code is made out against the petitioner. Further submission is that the case of the petitioner stands on similar footing to the case of co-accused Ankit Kumar and Anshu Kuamr Keshari who have already been allowed bail by this Court in Cr. Misc. No. 56950 of 2017 on 12.12.2017.

5. Learned Additional Public Prosecutor opposed the submissions.

6. Considering the omnibus allegation against the petitioner and 300 unknown persons and also the clean antecedent of the petitioner who is in custody since 03.10.2017, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Jamui in Jamui P.S. Case No.322 of 2017, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be a



local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(iv) If the petitioner is found in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.

(Sanjay Kumar, J)

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