

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57215 of 2017

Arising Out of PS.Case No. -299 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Madan Prasad S/o Late Munilal Singh, R/o Village- Nokha, P.S.- Nokha,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner as well as learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Nokha
P.S. Case No.299 of 2017 registered for the offences punishable
under Sections 147, 148,149, 341,323, 307, 353, 436, 427, 504,
153(A), 295(A) and 505(C) of the Indian Penal Code.

It is alleged in the written report that during the
immersion of idol of goddess Durga, a scuffle took place between
two communities and 500-700 persons raised slogans against the
police and tried to set fire in the shop of a particular community. It
has been disclosed by local people that the petitioner and other
accused have instigated the mob. It has been submitted that the



allegation against the petitioner is omnibus. Except the allegation of provocation, no other allegation is against the petitioner. The other co-accused, namely, Suchit Kumar and Bittu Kumar @ Raushan Kumar have been granted bail by other Benches of this Court in Cr. Misc. No.55959 of 2017 and Cr. Misc.No.56358 of 2017 on 27.11.2017 and 29.11.2017 respectively. The petitioner is in custody since 03.10.2017.

The learned A.P.P. for the Sate opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-IV, Rohtas, Sasaram in connection with Nokha P.S. Case No.299 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) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) 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.

(Sanjay Kumar, J)

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