

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56962 of 2017

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

1. Dhiraj Kumar

2. Kamlesh Kumar.

Both sons of Shambhu Ram. Both Residents of Village- Nokha, P.S.-
Nokha, Ward No. 11, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

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

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

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

The petitioners seek 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), 505(C) of the Indian Penal Code.

The informant of this case is Police Officer. It is alleged
that on the occasion of immersion of idol of goddess Durga, a
scuffle took place between the members of two communities. A
mob of 92 F.I.R. named accused and 500 unknown persons started
creating trouble in police administration and tried to set on fire
the shop of a muslim. It has been alleged that the petitioners along
with other accused have instigated the mob. The allegation of



assault and provocation is omnibus against 600 persons. Some of the accused, who were named in the F.I.R., have been allowed bail vide Cr. Misc. No.56358 of 2017 and Cr. Misc. No.55514 of 2017. The petitioners are in custody since 03.10.2017.

Learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S. Case No.299 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) If the petitioners are found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their 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 their bail.

Harish/-

U			
---	--	--	--

(Sanjay Kumar, J)

