

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57452 of 2018

Arising Out of PS.Case No. -99 Year- 2018 Thana -ROSEIRA District- SAMASTIPUR

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Sumit Kumar, S/o Sri Suresh Prasad, R/o Mahavir Chawk, P.S.- Rosera,
District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-10-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Rosera P.S. Case No. 99 of 2018 registered under Sections
147, 148, 149, 341, 323, 337, 338, 307, 332, 353, 153, 153A,
153B 295, 298, 379, 427, 504 and 120B of the Indian Penal
Code.

It is submitted by the learned counsel for the
petitioner that similarly circumstanced co-accused Subham
Kumar Sahu @ Shubham Kumar @ Sonu and Chhotu Nayak @
Chhotu Narayan @ Chote Narayan have already been granted
pre-arrest bail vide orders dated 20.09.2018 and 01.10.2018
passed in Cr. Misc. Nos.57915 of 2018 and 60749 of 2018
respectively. It is further contended that the petitioner was not
concerned in any manner with the mob, which disturbed the



peace or indulged in the violent act. He is a small shopkeeper and runs a shop of spectacles in the name of 'Unique Chasma Ghar' in the locality. Since the members of the mob forcefully asked the shop owners to close their shop, he and other shopkeepers after closing their respective shops were standing outside their shops, as mute spectators and, merely on account of their presence near the place of occurrence, they have also been implicated in the present case.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Having regard to the submissions made above and the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Rosera in connection with Rosera P.S. Case No. 99 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C

(Ashwani Kumar Singh, J.)

Sanjeet/-

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