

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68586 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

Prakash Kumar, Son of Sri Chhotelal Choudhary @ Chhote Choudhary,
Resident of Mohalla-New Area Sishodiya Nagar, Police Station-Town
Aurangabad, Distt.-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 337, 323,
435, 436, 427, 307, 332, 333, 353, 153(A), 295(A), 379 and
120(B) of the IPC

The prosecution story, in brief, is that as per joint
order of the District Magistrate and the S. P., Aurangabad, the
informant Bankateshwar Ojha, Police Inspector, was on law and
order duty on the eve of 'Ramnavmi Procession'. Accordingly,
he alongwith forces was accompanying the procession. As soon
as the procession reached near Transformer installed on
Nawadih Road, brick-bats and stone chips were being pelted on



the procession by Muslims. Meanwhile, perturbants present in procession went out of control, entailed panic situation and started setting fire here and there in town. A few of them were apprehended whose names find place in F.I.R. Apart from this several accused persons have been named who are still absconding.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. No overt act has been alleged against the petitioner. Relating to same incident, seven cases were instituted. The alleged incident is said to have taken place on the eve of '*Ramnavami*' when the procession was moving on the road. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 30658 of 2018 order dated 17.05.2018, Cr. Misc. No. 34944 of 2018 order dated 05.07.2018, Cr. Misc. No. 49696 of 2018 order dated 03.10.2018 as well as by this Court vide Cr. Misc. No. 58184 of 2018 order dated 08.10.2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad, in connection with Town P.S. (Aurangabad) Case No. 102 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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