

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26891 of 2020

Arising Out of PS. Case No.-1093 Year-2019 Thana- PHULWARISHARIF District- Patna

CHAITU KUMAR @ SHIKANDAR @ CHAITU NONIYA Son of Ramjee
Mahto @ Ramjivan Mahto R/o- Utari Sangat, P.S.- Phulwari Sharif, District -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-10-2020 Heard Mr. Ghanshyam Tiwary, learned counsel for
the petitioner and Mrs. Renu Kumari, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Phulwari Sharif PS Case No. 1093/2019 registered for the
offence punishable under Sections 147, 148, 149, 353, 341, 337,
338, 327, 332, 295(A), 153(A), 435, 307, 427, 504, 506 and
120B of the Indian Penal Code and 27 of the Arms Act.

3. The allegation, as per prosecution story, is that the
informant, namely, Kumar Kundan Lal, gave his written report
to the Officer Incharge, Phulwari Sharif wherein it has been
stated that a political party i.e., Rastriya Janta Dal had given a
Bandh call in protest of CAA on 21.12.2019 and 101 named



accused persons along with about one thousand unknown persons started rioting, vandalizing and some of the trouble makers fired from the mob due to which several persons were injured.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been implicated in this case along with other 101 named accused persons along with about one thousand unknown persons and the allegation against the petitioner is general and omnibus in nature and there is no specific allegation that petitioner resorted to firing causing injury to anybody. Learned counsel further submits that similarly situated co-accused, Surendra Mahto has been granted bail by this Court in Cr. Misc. No. 12007/2020.

5. Learned counsel further submits that petitioner is in custody since 22.12.2019.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused, Surendra Mahto has been granted bail by this Court, I am inclined to grant regular bail to the petitioner subject to the following conditions:-

(1) The petitioner shall fully co-operate with the



investigation/trial of the case, failing which, the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(2) Both the bailors shall be residents of the territorial jurisdiction of the learned court below,

(3) The petitioner shall not leave the country without permission of the learned trial court,

(4) The petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. Accordingly, let the petitioner, CHAITU KUMAR @ SHIKANDAR @ CHAITU NONIYA be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge, IX, Patna in connection with Phulwari Sharif PS Case No. 1093/2019.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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