

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31645 of 2020**

Arising Out of PS Case No.-230 Year-2019 Thana- AURAI District- Muzaffarpur

Chhotu Jha @ Abhishek Jha, (Male) aged about 35 years, Son of Late Udit Jha, Resident of Village-Rajkhanddakshani, PS-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Aurai PS Case No. 230 of 2019 dated 07.09.2019, instituted under Sections 147, 148, 149, 342, 324, 332, 333, 353, 307, 504 and 120B of the Indian Penal Code.

3. The allegation against the petitioner is that he was part of a mob which had assembled upon discovery of two dead bodies in the Lakhandai river where 150-200 men had gathered



and began to protest and had assaulted the police with *lathi*, *danda* and iron rod in which the informant who is the police officer has sustained head injury and in the FIR, the petitioner along with 11 others have been named.

4. Learned counsel for the petitioner submitted that as he is a local villager, he had also gone to witness the recovery of the dead bodies but did not take part in the assault. It was submitted that even otherwise the allegation is general and omnibus and there is no specific overt act alleged against him and further, nothing has been mentioned in the FIR as to how the petitioner was recognized in a mob of 150-200 persons. Learned counsel submitted that the petitioner has no other criminal antecedent. Learned counsel drew the attention of the Court to order dated 23.07.2020 passed by a co-ordinate Bench in Cr. Misc. No. 21450 of 2020, by which similarly situated co-accused Satish Thakur @ Satish Kumar and Arun Thakur, have been granted anticipatory bail.

5. Learned APP submitted that due to assault by the mob, policemen were injured and the informant also sustained head injury. However, he did not controvert that the allegations are general and omnibus and the co-accused who were granted anticipatory bail are similarly situated.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XIIIth cum-Sub Judge, Muzaffarpur in Aurai PS Case No. 230 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

