

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33879 of 2022**

Arising Out of PS. Case No.-163 Year-2022 Thana- PAROO District- Muzaffarpur

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Sidhu Kumar @ Niraj Kumar S/o Vinod Kumar Singh R/o village- Mohgama,
P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 188, 147, 148, 149, 153,
153(A), 290, 295, 295(A), 120(B) of the Indian Penal Code
read with Section 67 of the Information Technology Act.

According to prosecution case, on the basis of

written statement of Rajendra Sah, Officer-in-Charge Paroo
police station stating therein that on 10.04.2022 on the

occasion of Ram Navami on the application of one Rishabh



Kumar permission was granted for procession of Ram Navami by the competent authority and the same was issued with the applicants and other named participants. On the next morning, he came to know about a viral video on social media of Mohjama Panchayat in which he found that many persons in the procession were carrying saffron flag, lathi, sword and one of the members of procession was being instigated by the others to put a saffron flag on the gate of the mosque and after seeing this viral video, he visited the place of occurrence and he found that it was for the incident of 10.04.2022 during the procession of which Rishabh Kumar and others were granted license and in the name of procession, the mob had tried to cause un-rest and religious enmity between the communities. On the basis of the said viral video a number of persons were identified and among them, four petitioners namely, Vikash Kumar, Raj Kishore Thakur, Siddhu Kumar and Sandeep Kumar and many others were identified.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it



appears from the F.I.R. that the petitioner was not committed any crime and on the basis of viral video the petitioner has falsely been implicated in the present case and during investigation no cogent material has come against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raj Kishor Thakur and Sandeep Kumar have been granted bail by this Court vide order dated 29.08.2022 passed in Cr. Misc. No. 29757 of 2022. The petitioner is in custody since 12.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-3rd, Muzaffarpur West in connection with Paroo P.S. Case No. 163 of 2022, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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