

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35804 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- AWTARNAGAR District- Saran

MUKESH SINGH @ BAM BHOLA SINGH @ BAM BHOLA KUMAR S/O
ANIL SINGH Resident of Village- Ami Naraunj Patti, P.S.- Dighwara,
District- Saran, Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Senior Advocate
Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard Mr. Rama Kant Sharma, learned Senior
counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Awatarnagar P.S. Case No. 252 of 2021 for the offences
under Sections 147, 148, 149, 341, 323, 188, 186, 324, 307,
332, 353, 379 and 120 of the Indian Penal Code.

The prosecution story read as follows :-

(i) The SHO has alleged that on 06.09.2021, the
District Transport Officer, Santosh Kumar Singh, Mining
Officer, Shiv Chandra Prasad, CO, Dighwara, Parvvin Kumar
Sinha, Dy. S.P., Muneshwar Pd. Singh, SHO Garkha and other



constables were conducting raid upon the illegal land carrier trucks. In the process, 18 trucks were imposed fine by the DTO and the said trucks were seized. The DTO, Saran further gave written complaint to Awatar Nagar police station for which under sections 379 and 411 of the Indian Penal Code and also Section 21 and 11/41 of the MMDR was registered:

(ii) meanwhile, at about 6 p.m., a truck bearing registration no. UP 52T 6510 was coming from 'Aami Mor' which rammed into a motorcycle. Consequently, the driver of the motorcycle, Raj Mohan Singh, died. Pursuant to the said raid, seizure and imposition of fine, local sand mafias who had gathered there with '*lathi*' and '*danda*' became violent against the police force and the 'truck drivers', 'khalasi' and 'sand mafias' started pelting bricks and stones. In course of the said scuffle, Amitesh Kr., SHO sustained injuries. The further allegation is that they also looted the government mobile as well as private mobile of said Amitesh Kumar. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned Senior counsel for the petitioner submits that omnibus allegation has been made against altogether 32 persons of making an unlawful assembly and attacking the police force and in the process, causing injury to the police force. He



further took this court's attention to Annexure-3 to the bail application which shows that the injury has been found to be simple in nature in the medical report. It is his further submission that so far as allegation of snatching the mobile is concerned, the same has also also been attributed to Ritesh Yadav and Omnath Rai.

Considering the fact that omnibus allegation has been made against the petitioner, he is in custody since 06.05.2022, charge sheet stands submitted and the injury has been found to be simple in nature, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Awtarnagar P.S. Case No. 252 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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