

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47270 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

Mukesh Kumar (Male), aged about 20 years, Son Of Dinesh Paswan, resident of Village- Mohini, P.S.- Asthawan, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-12-2022 Heard Mr. Rahul Kumar, learned counsel appearing on behalf of the petitioner and Ms. Asha Devi, learned APP for the State.

Petitioner who is in custody since 24.06.2022 seeks regular bail in connection with Asthawan P.S. Case No. 159 of 2022 registered for offences punishable under Sections 147, 148, 149, 153, 153(A), 109, 186, 188, 295(A), 353, 341, 342, 323, 325, 307, 337, 338, 504, 506 and 120(B) of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that no action was taken by the district administration while it had come to the knowledge of the local *chaukidaar* that two groups were involved in brick-batting with respect to their claim over a piece of land bearing Khata No. 1154, Khesra No.



1200. Either group has claimed over the said piece of land. Petitioner is not named in the FIR, his name has come in course of investigation. On the basis of two witnesses, the petitioner has been held to be involved in the said occurrence. He further submits that petitioner has no criminal antecedent and he is in custody since 24.06.2022.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner, the petitioner is not named in the F.I.R. and there is complete laches on the part of the district administration to curb such riot in spite of the fact that the *chaukidaar* was present at the place of occurrence, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bihar Sharif, Nalanda in connection with Asthawan P.S. Case No. 159 of 2022 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

Petitioner is directed to remove all the defect(s) as pointed out by the Stamp Reporter within two weeks' and thereafter, registry shall communicate the order to the Court below forthwith.

(Purnendu Singh, J)

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