

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1457 of 2022

Arising Out of PS. Case No.-34 Year-2017 Thana- SARAIYA District- Muzaffarpur

Mukesh Kumar Sahni @ Mukesh Kumar S/o Amarjeet Sahni @ Amardeep Sahani R/o Village- Sahilapatti, Ayodhpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 283, 427, 332, 431, 353, 504 of the Indian Penal Code.

This is the second attempt for anticipatory bail as though earlier such prayer was allowed by a coordinate Bench by order dated 27.04.2018 passed in Cr. Misc. No. 21262 of 2018, but because the petitioner did not surrender within four weeks, he had filed Cr. Misc. No. 2734 of 2020 for extension of time, but the



same was dismissed by a coordinate Bench by order dated 26.02.2020 on the ground that near about two years' time had already elapsed.

The allegation against the petitioner is that on the instigation of co-accused Nawal Kishor Kumar @ Nawal Kishor Sahni and three others, the petitioner who was part of a mob had started damaging the vehicles and committing vandalism and loot and had also blocked the road causing difficulty for ambulance and other vehicles. The petitioner has been named in the F.I.R along with 26 other accused persons 200 unknown persons who were also alleged to have obstructed the Police from discharging their official duties.

Learned counsel for the petitioner has submitted that there is no specific allegation of committing any overt act and the petitioner is only part of a mob and further that no injury has been caused to anyone as also there has been no recovery from the petitioner. It is also submitted that petitioner does not



have any criminal antecedent. He is a labourer and was unaware of the earlier order, hence could not surrender and take bail. It is further submitted that earlier the Court was convinced about the merit of the matter and had granted anticipatory bail to the petitioner.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, West, Muzaffarpur in connection with Saraiya P.S. Case No. 34 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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