

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7746 of 2023

Arising Out of PS. Case No.-109 Year-2020 Thana- FATEHPUR District- Gaya

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BHOLENATH @ UMESH PRASAD KESHRI SON OF LATE JODHA SAO
@ JODHA SAO KESHRI R/O VILLAGE- KARIYADPUR, P.S.-
FATEHPUR, DISTRICT- GAYA Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-05-2023 Heard Mr. Manish Kumar No.2, learned counsel for

the petitioner and Dr. Mrityunjaya Kr.Gautam, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
Fatehpur PS Case No. 109/2020 dated 02.06.2020 registered for
the offence punishable under Sections 109, 147, 148, 149, 332,
337, 353, 153A, 295, 295A, 297, 427, 186, 188, 269, 270, 504,
506 and 307 of the IPC and Section 3 of the Prevention of
Damage to Public Property Act.

3. As per First Information Report, due to death of a
person in a road accident, the road was blocked by the villagers
and around 600 persons assembled on the road with dead body.
It has been alleged that the mob pelted stones and damaged the
police vehicles in which some of the police personnel received
injuries and the police also resorted to firing and tear gas. The



petitioner is named in the FIR on the basis of disclosure of his name by village *Chaukidar* along with 65 named accused persons and 250 to 300 unknown persons.

4. Learned counsel for the petitioner submits that altogether 65 persons are named and about 300 unknown persons have been made accused in the FIR. No specific allegation has been levelled against the petitioner and upon perusal of the FIR, it would be evident that no overt act is attributed against the petitioner. He next submits that similarly situated accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 08.06.2022 passed in Cr. Misc. No. 33185/2021 (Annexure-2). It is also submitted that the petitioner is in custody since 24.09.2022 having no criminal antecedent.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that allegation against petitioner along with other accused persons is general and omnibus in nature, FIR has been lodged regarding mob frenzy due to protest of a death caused by accident, similarly situated co-accused persons have been granted anticipatory bail by this Court and the petitioner is in custody since 24.09.2022 having no criminal antecedent, I am



inclined to grant regular bail to the petitioner subject to the condition that petitioner shall co-operate in the trial and shall be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

6. Accordingly, let the petitioner, **BHOLENATH @ UMESH PRASAD KESHRI** 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 learned Additional Chief Judicial Magistrate-X, Gaya in connection with Fatehpur PS Case No.109/2020.

(Anil Kumar Sinha, J)

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