

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19529 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- NAUHATTA District- Rohtas

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Pappu Mahto @ Pappu Singh, son of Ganesh Mahto, Village- Shahpur P.S.-
Nauhatta, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-06-2023 Heard Mr. Dharmendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Nauhatta P.S. Case No. 140 of 2022 registered for the
offences punishable under Sections 147, 148, 149, 323, 353,
504, 307, 427, 332 and 333 of the Indian Penal Code.

Allegedly the petitioner was found in a drunken
condition, who was creating nuisance in the public place. The
police personnel went there to arrest him, however, on hulla
being raised, 33 named and 40-50 unknown persons assembled
there in order to rescue and started pelting stones and assaulted
the police personnel. The accused persons also damaged the
police vehicles. It is also alleged that the informant and other



police personnel sustained injuries.

Learned counsel appearing on behalf of the petitioner submits that from the prosecution case it is evident that specific allegation against the petitioner is only to the extent that he was found in drunken condition and making nuisance, but surprisingly the case has not been instituted under the Bihar Prohibition and Excise (Amendment) Act. He further submits that there is no allegation that the petitioner played any active role in assaulting the police personnel or damaging the vehicles, inasmuch, as the petitioner is a man of fair antecedent. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation and will not indulge in tampering the evidence or intimidating the witnesses.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is the main accused, who creating nuisance and obstructed in discharging the official works of the police personnel.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fair antecedent and the fact that no case has been instituted under the Bihar Prohibition and Excise (Amendment) Act, let the petitioner, above named be, released on bail, in the



event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Dehri-on-Sone, Sasaram in connection with Nauhatta P.S. Case No. 140 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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