

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18685 of 2023

Arising Out of PS. Case No.-233 Year-2019 Thana- MAHESI District- East Champaran

Amit Kumar @ Lukha Kumar, aged about 22 years (Male), S/O Dilip Patel @ Dileep Ray, Resident Of Village- Harpur Nag, P.S.- Mehsi District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2023 Heard Mr. Rahul Singh, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Nath Jha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mehsi P.S. Case No. 233 of 2019 registered for the offence punishable under Sections 147, 148, 149, 188, 332, 338, 353, 427 of the Indian Penal Code and Section 9 of the Bihar Loudspeaker Control Act, 1956.

3. Prosecution story, in brief, is that on 18.08.2019, when the informant had tried to stop the processionists to play D.J. in high volume, dancing and singing then they became violent and started playing D.J., the people present in the procession, started pelting stones on the police personnel, due to



which, the government vehicles were damaged and some police personnel and local people were also got injured.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was participating in procession of '*Mahavir Jhanda*' and he had not played D.J. nor he had damaged the government vehicle. No specific allegation of overt act is alleged against the petitioner. Altogether 22 named persons and 40-50 unknown persons have been made accused in the present case. Petitioner has no criminal antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner to be general and omnibus and the petitioner, at the best, can be considered as one of the members of the mob, I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 6th East Champaran, Motihari in connection with Mehshi P.S. Case No. 233 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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