

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37834 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- NATWAR District- Rohtas

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Rahul Kumar @ Rahul Kumar Singh, Son of Umesh Singh, Resident of
village- Natwar Kala, P.S. - Natwar, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Shyameshwar Kumar Singh, learned
counsel appearing on behalf of the petitioner and the learned
APP for the State.

2. The petitioner is apprehending his arrest in
connection with Natwar P.S. Case No. 167 of 2022 registered
for the offences punishable under Sections 143, 341, 323, 353,
504 and 506 of the Indian Penal Code.

3. While the informant was on patrolling duty, during
Chhath festival, he received information that some persons are
engaged in selling of illicit liquor, rushed to the place of
occurrence. However, on noticing the police party, one person
fled away and entered in a house. When the police tried to enter
into the house, all the F.I.R. named accused persons, including
the petitioner, and ten unknown persons came near the house
and started misbehaving with the police personnel. By the time



the SHO of the concerned police station and other police team came at the place of occurrence, the accused persons succeeded in fleeing away.

4. Learned counsel appearing on behalf of the petitioner submits that even as per the narrations made in the F.I.R., no specific overt act has been levelled against the petitioner. He further submits that there is no ingredients available in the F.I.R. constituting any offence, much less under Section 353 of the Indian Penal Code. He further submits that the house of the petitioner is situated 2 KM away from the place of occurrence and it is highly improbable that he was recognized by the village *Chaukidar* by his name and parentage. He lastly submits that the petitioner is a man of fair antecedent and undertakes that he will fully cooperate in the investigation/trial.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that none of the person sustained any injury, coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of



receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Natwar P.S. Case No. 167 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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