

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53962 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

RISHU KUMAR S/O ARJUN GOP R/O VILLAGE- KANTAH, PS.
BIHARSHARIF, DISTT. NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Laheri PS case no. 214 of 2023, registered for the offences punishable under Section 153A and other allied sections of the Indian Penal Code and Section 27 of Arms Act.
3. The F.I.R. is stated to have been lodged against 79 named and 500 unknown accused persons alleging therein that they all tried to disturb the communal harmony during the Ramnavmi procession by raising provocative slogans, pelting stones, resorting to firing as also had damaged public property apart from creating hindrance in discharge of official duties by the police force.
4. The learned counsel for the petitioner submits that



the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the accused persons and the fact is that the petitioner has not engaged in any sort of specific overt act, much less pelting any stone on the police force. It is also submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.08.2023, passed in Cr. Misc. no. 48677 of 2023.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri PS case no. 214 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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