

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56315 of 2022

Arising Out of PS. Case No.-457 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Akbar Hawari @ Akbark Hawari, aged about 24 years, Male, S/O Islam
Miyan @ Islam Hawari Resident of village- Tadhwanandpur Ward No- 11,
P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Bettiah Town P.S.
Case No. 457 of 2022 registered under Sections 143, 147, 148, 149,
341, 323, 353, 332, 333, 338, 435, 436, 307, 427, 504, 120(B), 395,
412 of the Indian Penal Code and 27 of the Arms Act and ³/₄
Prevention of Damage to Public Property Act.

There is an allegation that 72 named and 500 to 700
unnamed persons resorted to violent protest upon the house of an
Hon'ble Member of Parliament. They have allegedly damaged public



property in the process and also indulged in arson.

Learned counsel for the petitioner submits that petitioner is not a named accused and has been implicated only suspicion. There is no material to connect the petitioner with the allegations. The petitioner is having clean antecedent. The petitioner is stated to be in custody since 20.06.2022. In fact, he is a student and has become victim of the circumstance. Investigation is complete.

Learned APP has opposed the prayer for bail. It is alleged that persons in the mob were also found to be having weapons. Damage has been caused to public property and general public order.

Considering the rival submissions, nature of allegations and the period of custody, also taking into consideration the fact that petitioner is stated to be a student, this Court is inclined to allow the prayer for bail of the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No. 457 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/shashank-

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