

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60674 of 2023

Arising Out of PS. Case No.-342 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Santosh Sah @ Santosh Kumar Sah Son of Shankar Sah Resident of
Village-/Mohalla-Naya Tola Durga Asthan, P.S.-Katihar (Town), Distt.-
Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-12-2023 Heard Mr. Ranjeet Kumar Singh, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Katihar (Town) P.S. Case No. 342 of 2023, registered for
the offences punishable under Sections 147, 353, 435 and 427 of
the Indian Penal Code.

3. The allegation against the petitioner and other
accused persons is of causing nuisance and obstructing the
police officials in discharging of their duty and putting the
vehicles on fire, due to death of a local person on account of
accident.

4. It is submitted on behalf of the petitioner that the



present FIR has been instituted against 13 named accused persons and 30-35 unknown persons. However, there is no specific allegation of any overt act against the petitioner. He next submits that even as per the FIR, the petitioner along with others are said to be member of the mob who were raising slogans and demanding compensation for the family, whose member had died on account of accident. He next submits that in the entire episode none has sustained any injury nor the prosecution has brought on record any material suggesting any direct role of petitioner in causing arson. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner and others by making unlawful assembly have damaged the public property and committed arson.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that none has sustained any injury and the petitioner having fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or



surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar (Town) P.S. Case No. 342 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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