

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61478 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- CIVIL LINE District- Gaya

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KRISHNA KUMAR @ KISHAN KUMAR S/o- SUKHDEV CHAUDHARY
Village- Tulsi Bigha Ps- Muffasil Dist- GAya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the
petitioner and learned APP for the State.

2. This is an application for grant of
anticipatory bail in connection with Civil Line P.S.
Case No.163 of 2023, registered for offences under
Sections 147, 148, 332, 333, 353, 504 and 506 of the
Indian Penal Code.

3. The case of the prosecution in brief is
that on the alleged date and time of occurrence at
the eastern gate of Gandhi Maidan, a mob had
assembled, which had created disturbance in the
physical examination being held and when the police
force had tried to dispel the crowd, the crowd
became violent and had started pelting stones,
resulting in the police personnel being injured. The



police had then arrested some miscreants and had also seized 13 motorcycles, parked at the alleged place of occurrence.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely on account of the fact that he happens to be the owner of one of the motorcycles seized from the alleged place of occurrence. 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 31.08.2023, passed in Cr. Misc. No.54377 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 materials



available on record as also considering 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, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Civil Line P.S. Case No.163 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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