

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60488 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- GHOSI District- Jehanabad

Haricharan Mochi @ Haricharan Ravidas S/o Manu Mochi Resident of
village- Karhara, P.S.- Ghosi in the district of Jehanabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks' from today.

Heard Mr. Pankaj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Anil Prasad Singh, learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Ghosi P.S. Case No. 237 of 2022 initially
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 337, 338, 379, 354, 504, 506 and 427
of the Indian Penal Code and, later on, added with Section 302
of the Indian Penal Code.



The prosecution case is based on the written report of the informant alleging therein that all the accused persons including the petitioner assaulted the informant and others by means of *lathi*, *rod* etc. and also by pelting stones due to enmity arising out of community clash over local issues raised during the marriage party.

Learned counsel for the petitioner submits that from the FIR, it is evident that there is general and omnibus allegation against all the FIR named accused persons including the petitioner and, in fact, the present case is nothing, but a counter blast of Ghosi P.S. Case No. 238 of 2022 which has been registered by one of the accused persons of the present case. He further submits that, in fact, the occurrence took place on account of community clash due to some instigation made by unscrupulous persons resulting into a free fight and, thereafter, the persons of both sides have sustained injuries, but the prosecution has failed to explain the injuries sustained to the persons of accused side. He next submits that other co-accused persons having similar allegations, have been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 64412 of 2022, the copy of which has been placed before this Court and



the same has been taken on record. He lastly submits that the petitioner having fair antecedent is in custody since 14.05.2022.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation and the fact that other co-accused persons having similar allegation, have been allowed the privilege of bail by a learned Co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jehanabad in connection with Ghosi P.S. Case No. 237 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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