

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63767 of 2023

Arising Out of PS. Case No.-392 Year-2023 Thana- BIHAR District- Nalanda

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Kumar Agnivesh @ Agnivesh Singh @ Tutu Son Of Arvind Singh Resident
Of Village- Nai Sarai Chudichak, Post Office And Police Station- Bihar Sharif
District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aklavya Chandan Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bihar PS Case No. 392 of 2023 , dated 30-04-2023 registered for the offence punishable under Sections 147,148,149, 341,323,332,333, 353,307,379, 427, 504 and 506 of the Indian Penal Code.

3. A mob of 100 to 150 persons has tried to excavate the pillar affixed for construction of a temple and have also manhandled the persons, who are carrying on the construction as well as the police personnel upon their arrival, as per the First Information Report (for brevity 'FIR'). There are 11 accused persons, including the petitioner. The parties indulging



in violence is said to have been led by one Bhosu Yadav. The petitioner is one of the named accused persons.

4. It is submitted by the petitioner's counsel that petitioner has been named on extraneous consideration. He was a bystander and having no criminal antecedents has been implicated. He is not alleged to be leader of the mob. There is no assault attributed against him and no injury report to show that any persons has sustained any injury in the alleged occurrence.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, clean antecedents, statement that none has sustained any injury and manner in which the petitioner has been implicated, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



CJM Nalanda, in connection with Bihar PS Case No. 392 of 2023, dated 30-04-2023 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with 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)

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