

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68086 of 2023

Arising Out of PS. Case No.-926 Year-2022 Thana- ARA NAGAR District- Bhojpur

Mohit Kumar @ Banti @ Banti Singh S/O Dhurendra Singh R/O Village-
Chhotki Singhi, P.S. Ara Town, District Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ara Town P.S. Case No. 926 of 2022 lodged under Sections 147,
148, 149, 341, 324, 307, 302 of the I.P.C. read with Sections
25(1-b)a/26/27/35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 9 named accused persons including the present
petitioner. The specific allegation is against the accused, namely,
Raja Kumar to assault by sharp weapons and the only allegation
against the petitioner is that he is member of mob.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that in the entire F.I.R., the name of present petitioner has

figured only at one place that upon listening noise, the petitioner and other accused persons have reached at the place of occurrence.

5. Counsel for the petitioner submits that petitioner is in custody is since 10.11.2022 having clean antecedent. He further submits that the accused, namely, Ritik Singh who is the initial person with whom the dispute started, has been granted bail by the Co-ordinate Bench of this Court vide order dated 31.08.2023 passed in Cr. Misc. No. 23462 of 2023.

6. Learned counsel for the State opposes the prayer for bail and submits that there is neither act nor overt act made against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 926 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his

bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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