

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71170 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. Kamal Kumar, S/O Mohan Choudhary, R/O Vill - Godhiyari Makhan Takiya, P.S. - Naugachia, District- Bhagalpur.
2. Vijay Singh, S/O - Chandar Singh, R/O Vill - Godhiyari Makhan Takiya, P.S. - Naugachia, District- Bhagalpur.
3. Lalan Kumar Singh @ Lalan Singh, S/O Ramakant Singh, R/O Vill - Godhiyari Makhan Takiya, P.S. - Naugachia, District- Bhagalpur.
4. Manoj Pandey @ Manoj Kumar Pandey, S/O Rajendra Pandey, R/O Vill - Godhiyari Makhan Takiya, P.S. - Naugachia, District- Bhagalpur.
5. Hemnarayan Sah @ Hem Narayan Sah @ Hem Narayan Kumar Sah, S/O Vivek Sah, R/O Vill - Godhiyari Makhan Takiya, P.S. - Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Kumar Rajdeep, Advocate
		Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Naugachaia P.S. Case No. 273 of 2023, registered on 03.08.2023 for the offences under Sections 188, 290, 353, 186, 152, 189, 332 and 333 of the Indian Penal Code.



3. As per prosecution case, while a procession of Muharram was being taken out, some anti-social elements in the procession exploded a bomb which caused hurt to a girl. Allegation against the petitioners is that they along with other 200-250 other persons caused blockade on the road over the aforesaid incident and they were also involved in scuffle with police party. Further allegation against them is that they tried to cause disturbance in the communal harmony.

4. Learned senior counsel appearing on behalf of the petitioners submits that in this case three FIRs have been registered. First FIR was registered on 30.07.2023 by one Shankar Choudhary with allegation that some persons in the procession of Muharram have exploded bombs and the splinter hit the eyes of his daughter causing permanent injury. Another FIR was registered on 01.08.2023 by the S.H.O of Naugachia Police Station against a number of persons who were part of the procession and who were found exploding crackers etc. Thereafter, the same informant lodged this case on 03.08.2023 against the petitioners and others in order to hide his inefficiency. Learned senior counsel further submits that the instant case has been registered after five days of the occurrence with a completely different story which was nowhere mentioned



in other two FIRs. The present FIR is the counter blast of FIR dated 30.07.2023 lodged by Shankar Chaudhary against the working of the informant who has lodged this case. There is general and omnibus allegation against the petitioners.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the dates and events prior to lodging of the FIR against the petitioners and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st class, Naugachia, Bhagalpur/concerned court in connection with Naugachia P.S. Case No. 273 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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