

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76637 of 2023**

Arising Out of PS. Case No.-143 Year-2022 Thana- KOTWA District- East Champaran

Shivnath Prasad S/O Late Sakaldeo Prasad @ Sakaldeep Prasad R/O Village-
Mohammadpur, P.S- Keshariya, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Kotwa (Bhopatpur) P.S. Case No. 143 of 2022 dated 16.04.2022 registered for the offence/s punishable u/ss 147, 148, 149, 323, 324, 440, 325, 353, 332, 307, 427, 447, 448, 504 and 506 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, all the FIR named and 200-250 unknown accused persons being member of unlawful assembly are alleged to have creating nuisance by keeping dead



body on the road and when the informant along with the police officials reached there to pacify the matter, they became aggressive and started assaulting them and caused hindrance in the discharge of official duty.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that the petitioner is not the member of the mob. There is general and omnibus allegation against the petitioner. All the injured sustained simple injury. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Kotwa (Bhopatpur) P.S. Case No. 143 of 2022, subject to conditions as laid down under section



438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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