

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71569 of 2022**

Arising Out of PS. Case No.-43 Year-2022 Thana- BALTHAR District- West Champaran

Prakash Kumar S/O Prahalad Patel R/O Village- Balthar, P.S.- Balthar, Distt-
West Champaran, Pin-845307.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 02-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

The accused/petitioner is not named in the F.I.R. and
apprehended his arrest in connection with Balthar P.S. Case
No.43 of 2022 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 337, 338, 435, 427, 353,
504, 436 and 120-B of the Indian Penal Code.

The allegation against the petitioner is to put
Government vehicle of police on fire and also alleged to assault
police personnel alongwith 51 named co-accused persons and
more than 1,000 unknown co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that allegation appears very limited against petitioner as of only being part of mob only, without attributing any specific overt act. It is submitted that similarly situated co-accused, namely Dhanesh Sah @ Dhanesh Sahu, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.50111 of 2022 vide order dated 08.12.2022. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that co-accused Dhanesh Sah @ Dhanesh Sahu was not named in the F.I.R., but fairly conceded that allegation against this petitioner is appearing very much general and omnibus.

In view of the facts and circumstances as mentioned above and by taking note of the nature of accusations, where petitioner appears to be part of mob only without attributing any specific overt act accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-4th, West Champaran,



Bettiah/concerned Court below where the case is pending in connection with Balthar P.S. Case No.43 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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