

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.418 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- SARE District- Nalanda

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Kalua @ Ramashankar @ Ramashankar Kumar @ Chhote Son Of Anil Singh
R/O Village- Khetalpura, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivam, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-03-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Sare P.S. Case No. 105 of 2022 lodged under Sections 341, 323,
307, 504, 506/34 of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against one named and 4-5 unknown accused persons
that the petitioner along with those persons entered in the shop
of the informant and started abusing as well as beating to the
customers, returned abusing and thereafter, again came back
with 4-5 persons with iron rod, lathi and directed to close the
shop and started damaging the shop. It has also been stated that

upon gathering of people, the petitioner and his friend become angry and indiscriminate lathi charge as well as attack by iron rod started on the public at large in which series of persons were injured and one stranger injured and admitted to Barbigha Referral Hospital.

Learned counsel for the petitioner submits that petitioner is innocent and he is in custody since 02.07.2022. There are 2 criminal cases pending against him in which he is on bail in one case and in another case, he is persuading for bail.

Counsel further submits that there is general and omnibus allegation against the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that it is the petitioner who is the king-pin and under whose instance, the entire occurrence took place. He also submits that with a view to maintain his dominance, he has taken such steps and the F.I.R. indicates that one person is serious by virtue of action taken by the accused/petitioner.

Counsel has also responded that another F.I.R. has also been lodged relating to the injury took place to the stranger/passersby.

Upon specific query whether charge has been framed or not. As per the knowledge of counsel, charge has not been

framed till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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