

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5282 of 2024

Arising Out of PS. Case No.-257 Year-2019 Thana- LAUKAHI District- Madhubani

Mungalal Khatwe @ Mungalal Chaupal @ Munga Lal Khatwe Son of
Chhutharu Khatwe R/o Village- Kakaradobh, P.S.- Laukahi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel for
the petitioner and Mr. Damodar Prasad Tiwary, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Laukahi P.S. Case No. 257 of 2019 registered for the
offences punishable under Sections 147, 148, 149, 323, 337,
338, 504, 435, 427, 307, 332, 333, 353, 283, 188 and 379 of the
Indian Penal Code and Section 3/4 of the Damage to Public
Property (P) Act.

3. It is alleged that on receipt of information that one
person died in a road accident at NH-57, the police reached
there and tried to prepare *Panchnama*, but it was obstructed by
an unruly mob armed with *lathi*, *danda* and other weapons. The
specific allegation against the petitioner is that he being a



member of unlawful assembly caused nuisance in discharge of official duty. It is also alleged that the mob also damaged various vehicles and committed loot.

4. It is submitted on behalf of the petitioner that the FIR has been instituted against 106 named and other unknown persons and, in such circumstances, there is no specific allegation against the petitioner. Moreover, the prosecution case is said to be based upon a video footage of the incident. However, during the course of investigation, neither any video clip has been received/seized by the investigating officer nor it has been produced before the Court and, as such, the very basis of the prosecution goes. Other co-accused persons having identical allegation, have been allowed the privilege of regular bail. That apart, the petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State, opposed the bail application and submitted that the petitioner being a member of mob, had actively participated in creating obstruction in maintaining the law and order situation by damaging the public vehicles and looting goods.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the fact that the I.O. has failed to produce the video clip of the incident, which is the very basis of the FIR, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Class, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 257 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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