

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6364 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- MIRGANJ District- Gopalganj

1. Sonu Kumar Son Of Anirudh Prasad, Resident Of Village- Line Bazar, P.S.- Mirganj, Distt.- Gopalganj
2. Ramchandra Kumar Son Of Mishriji Sah, Resident Of Village- Line Bazar, P.S.- Mirganj, Dist- Gopalganj
3. Rajan Kumar Son Of Late Kamlesh Sah D, Resident Of Village- Line Bazar, P.S.- Mirganj, Dist- Gopalganj
4. Abhishek Kumar Son Of Nagina Sah, Resident Of Village- Line Bazar, P.S.- Mirganj, Dist- Gopalganj
5. Sant Kumar Son Of Late Vishwanath Sah, Resident Of Village- Line Bazar, P.S.- Mirganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The petitioners apprehend their arrest, in connection with Mirganj P.S. Case No. 297 of 2023 dated 01.08.2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 307, 353, 337, 153A, 295A, 427 & 298 of the Indian Penal Code and 66D of the I.T. Act.

3. The prosecution story, in brief, is that the informant



got secret information that some anti-social elements are pelting bricks at Line Bazar for the purpose of disturbing peace and harmony. The informant along with other police personnel reached there and found that 100-125 people of Hindu community and 100-125 people of Muslim community having *lathi*, *danda* and *farsa* were abusing and pelting stone. The police personnel tried to pacify the matter, but none listened to it. Thereafter, officer in-charge of police station lodged the F.I.R. against the accused persons.

4. Ld. counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. They were never part of alleged unlawful assembly. He further submits that the police has falsely implicated the petitioners in the alleged offence. He further points out that as per the F.I.R., around 250 people were assembled which shows that there is possibility of false implication in the F.I.R. It is not possible for any officer in-charge of any police station to know all 250 persons by name. There is every possibility of false implication. He further submits that there is no specific allegation against the petitioners regarding any overt act.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier



either for anticipatory bail or regular one in the instant case.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

7. However, in view of the fact that it was a mob and there being not possible for police to know each and every person present in the mob and there being every possibility of false implication, this application is allowed, directing the petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) **each** with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-XV, Gopalganj, in connection with Mirganj P.S. Case No. 297 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

8. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J.)

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