

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15217 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Mukul Kumar @ Mukul Kunwar Son Of Kamlesh Kunwar @ Kamlesh
Kumar R/O-Manipur Bhusra, P.S.-GAIGHAT, Distt.-MUZAFFARPUR.
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Gaighat

P.S. Case No. 243 of 2023, registered for the offences

punishable under Sections 147, 148, 149, 341, 323,

324, 307, 332, 333, 353, 435, 436, 427, 504 and 506

of the Indian Penal Code.

3. The allegation against above named

petitioner is to deter police officials discharging their

official functions while they approached place of

occurrence with police vehicles, where petitioner

alongwith 26 named and 100-150 unknown persons



were protesting a road accident, where two nearby residents died. Allegation is also put loaded truck on fire.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation against petitioner to deter police officials from discharging their official functions is appearing very much general and omnibus in nature. It is submitted that the implication of this petitioner appears only being a local resident and as a matter of chance, he was present near to place of occurrence. It is pointed out that allegation *qua* mischief of fire as alleged for offence under Section 436 of the Indian Penal code is not appearing convincing *prima facie* against petitioner as narration of FIR is not suggesting to put any dwelling unit on fire rather it was the truck which was put on fire. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and



circumstances and by taking note of fact as, allegation to deter police officials to discharge them from official functions is appearing very much general and omnibus against petitioner, where allegation *qua* 436 of the Indian Penal Code *prima facie*, appearing non-convincing, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I-cum-Additional Munsif-II, Muzaffarpur/concerned Court, where the case is pending in connection with Gaighat P.S. Case No. 243 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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