

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18739 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- KAMTAUL District- Darbhanga

Phool Babu @ Md. Hasmam Nasir @ Md. Hassan Nasir, S/o Majhu @ Md. Nasir @ Majnu, R/o Village- Malpatti, P.S.- Kamtaul, Dist.- Darbhanga.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 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 Kamtaul P.S. Case No.164 of 2023 registered for the offences punishable under Sections 147/ 148/ 149/ 152/ 341/ 342/ 323/ 186/ 324/ 307/ 353/ 332/ 333/ 297/ 295(A)/ 120(B) of the Indian Penal Code.

3. The allegation against the petitioner is to disturb the communal harmony alongwith 30 named co-accused persons and 200-250 unknown persons, where issue arises out of disputed graveyard area claiming by both community



during the course of occurrence. Petitioner was also alleged to pelt stones on police vehicles, causing damage of public property and government vehicle and as such deter to the public servants/police officials to discharge their official functions.

4. Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation available against petitioner, rather same is appearing very much general and omnibus, where implication appears only being part of mob only. It is further submitted that name of petitioner was involved in present case on the basis of hearsay input provided by local Chaukidar and, as such, the entire information, which is the basis of present case, is based upon hearsay input. While concluding the argument, it is submitted that petitioner was found involved in two more criminal cases, where in both cases he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as allegation against petitioner is very much general and omnibus in nature, where he appears only the



part of mob, accordingly, above named petitioner in the event of his arrest or surrender before the Court within a period of four weeks of the order, is directed to be released on bail on 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-1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 164 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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