

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24972 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- BALIYA District- Begusarai

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Kundan Kumar @ Kundan Paswan S/O Shiv Kumar Paswan @ Sukumar
Paswan R/O Mohalla- Chhoti Ballia, Molana Chak (CHAKMAKHAN Tola),
P.S- Balia, Distt.- Begusarai.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 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 Ballia

P.S. Case No. 301/2023 registered for the offences

punishable under Sections 147, 148, 149, 341, 342,

323, 325, 337, 338, 307, 435, 436, 353, 427, 153A,

295A, 505B, 505C, 120(B) and 379 of the Indian Penal

Code & Section 9 of Loudspeaker Act.

3. The allegation against the petitioner is to



disturb the law and order situation during the eve of Durga Puja immersion.

4. Learned counsel appearing on behalf of the petitioner submitted that during immersion of Goddess Durga idol, petitioner gave a sign for destroying the flag of other community, on which, one person tore the flag of other community, which led to tense the situation but on the intervention of the district level authorities, the matter was pacified. The learned counsel submits that the petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation is general and omnibus in nature. It is further submitted that the petitioner will not abscond rather will co-operate in investigation.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of aforesaid facts and circumstances and also by taking note of fact, as there is no overt act



attributed against petitioner, rather he appears only part of mob, 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 Chief Judicial Magistrate, Begusarai/concerned Court below where the case is pending in connection with Ballia P.S. Case No. 301/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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