

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24740 of 2024

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

1. Priyanshu Kumar Govind Kumar Mahto @ Govind Ray Mohalla- Chhoti Balia (Uper Tola) Ps- Balia Dist- Begusarai
2. Vikash Kumar son of Prem Chandra Paswan Mohalla- Chhoti Balia (Durga Sthan Paswan Toli) Ps- Balia Dist- Begusarai
3. Krishna Kumar @ Krishna Kumar Gupta son of Tuntun Kumar @ Bablu Sao @ Tuntun Sah Mohalla- Chhoti Balia (Balua Bazar, Near Saithni High School) Ps- Balia Dist- Begusarai
4. Vivek Kumar Bittu @ Vivek Kumar @ Bittu @ Vit son of Naresh Sharma Mohalla- Chhoti Balia (Uper Tola) Ps- Balia Dist- Begusarai
5. Shyam Kumar @ Shyam Kumar Thakur son of Shambhu Thakur Mohalla- Chhoti Balia (Uper Tola, Sharma toli) Ps- Balia Dist- Begusarai
6. Manish Kumar @ Mano @ Manish son of Lalit Thakur @ Mahendra Thakur Mohalla- Chhoti Balia (Uper Tola) Ps- Balia Dist- Begusarai
7. Ajay Kumar Mahto @ Ajay Mahto @ Ajay Hindu son of Vinod Mahto Mohalla- Chhoti Balia (Uper Tola, Karpoori Chowk) Ps- Balia Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 1. Heard learned counsel appearing on behalf

of the petitioners and learned Additional Public

Prosecutor appearing on behalf of the State.



2. The accused/petitioners are named in F.I.R. and apprehending their 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 petitioners is to disturb the law and order situation during the eve of Durga Puja immersion.

4. Learned counsel appearing on behalf of the petitioners submitted that during immersion of Goddess Durga idol, the petitioners 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 petitioners have been falsely implicated in the present case. It is next 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 petitioners 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 petitioners, rather they appear only part of mob, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each 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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