

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29206 of 2024

Arising Out of PS. Case No.-126 Year-2017 Thana- DIGHWARA District- Saran

Sukesh Kumar Singh son of Raj Narayan Singh Village- Basti Jalal Kurm
Tola Ps- Dighwara Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Dighwara PS. Case No.-126 of 2017,
registered for the offences punishable under Sections 147, 148,
149, 281, 342, 353, 323, 332, 327 and 337 of the Indian Penal
Code.

3. The prosecution case as emerges from the FIR is
that in a road accident, 250-300 people armed with lathi, danda,
bhala, bricks and stone gathered there and started demanding a
compensation of Rs.10,00,000/-. When the informant along with
other police personnel tried to control the mob, they pelted stone
upon them due to which the police van got damaged.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that in fact, on account of death of three persons in a road accident, the villagers gathered on the road and started demanding compensation from the Government and when the police reached the place of occurrence, villagers kept demanding for compensation. This incident has been given a color of criminality by the police by lodging FIR against 250 – 300 persons saying that they have pelted stones on the police. However, the persons assembled at the place of incident were demanding compensation for the dependents of the victim who died in the road accident. He further submits that in the mob of about 300 persons, it is very difficult to identify any of the persons and the case is also based on suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named,



to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-II, Saran at Chhapra, in connection with Dighwara PS. Case No.-126 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 bonds of the petitioner.

(Jitendra Kumar, J)

Chandan/
shailendra-

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