

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39435 of 2024

Arising Out of PS. Case No.-906 Year-2023 Thana- MANER District- Patna

Harsh Kumar Nirala @Harsh Kumar SON OF Jai Kumar Nirala Village-
Khaspur, P.S- Maner, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Maner P.S. Case No. 906 of 2023, registered on 26.12.2023 for the offences under Sections 147, 148, 149, 341, 323, 353, 307, 427, 186, 332, 333, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, police received information about quarrel taking place and brick batting resorted to between two groups in the backdrop of eve teasing of daughter of one Awadhesh Kumar, one of the co-accused. The allegation against the petitioner and other co-accused persons is that they assaulted the police party and damaged the government vehicle.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this case. Altogether 23 persons have been named in the FIR including the petitioner and there is general and omnibus allegation against the petitioner. The specific allegation of assault is against co-accused Jaikumar Nirala. Moreover, the name of the petitioner came up in this case on disclosure of co-accused Awadhesh Kumar. The true fact of the case is that scuffle took place between two groups as Manish Kumar outraged the modesty of daughter of Awadhesh Kumar for which Maner P.S. Case No. 907 of 2023 has been registered for the offences under Sections 341, 323, 354, 427, 504, 506/34 of the Indian Penal Code. Petitioner is the son of co-accused Jaikumar Nirala. There is no direct and specific allegation against the petitioner. The only allegation against the petitioner is that he was member of mob. The injuries of victim have been found simple. Petitioner has antecedent in three cases in all these cases he is on bail

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that from the FIR itself it is apparent that the petitioners have brutally assaulted the informant side.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific, general and vague nature of allegation against the

petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Danapur, Patna/concerned court in connection with Maner P.S. Case No. 906 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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