

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49596 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BIRAUL District- Darbhanga

Gautam Mandal S/O Lalan Mandal R/O Village- Haati,Pachvari
Tola,Haati,P.S.-Biraul,Distt-Darbhang

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr Abdus Shakoor
For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Biraul P.S. Case No. 130/2024 dated 27.03.2024 registered for the offences punishable under sections 147/ 148/ 149/ 120B/ 186/ 188/ 341/ 342/323/324/325/332/333/353/337/354B/504/506 of the Indian Penal Code.

3. As per the prosecution case, the informant got information that a motorcycle was coming rashly and negligently from K. Asthan side and dashed with tempo. On the same time a police van was coming from opposite side due to which one person came under the van and died on the spot. The



petitioner and the co-accused persons are alleged to have instigate the 100-200 persons to enter the police station premises with intent to commit untoward incident and about 50 people entered the police station premises and threw the chairs and government documents outside the police station and some people were holding inflammable substance in their hands and sound was coming from the crowd to burn the police station. The petitioner and co-accused persons were identified through video footage with the help of Mahal Chowkidar. The petitioner is alleged to have abused, attacked upon the police party and also assaulted them with lathi, danda causing hindrance in discharging duties of public servant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 15.05.2024 passed in Cr. Misc. No. 36947/2024. The petitioner is made accused in this case due to being member of the mob. There is no specific overt act against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.03.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga in connection with Biraul P.S. Case No. 130/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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