

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62162 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- RAJAOLI District- Nawada

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Mohit Kumar Son of Rajesh Saw Resident of Village- Upartand, Police
Station- Rajauli, District- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 1. Heard learned Counsel for the petitioner and learned
APP for the State.

2. This application, for grant of anticipatory bail arises
out of Rajauli Police Station Case No. 257 of 2024, dated
29.05.2024, registered for the offences punishable under Sections
147, 148, 149, 341, 342, 323, 307 and 384 of the Indian Penal
Code.

3. As per the prosecution case, on 29.05.2024, the
informant and his co-villager went to *Chitrakala* studio for
collecting the photographs of *shradh* ceremony of grandfather of
the informant. In the meantime, nine FIR named accused persons,
including the petitioner, and ten unknown persons, having iron-
rods in their hands, came there and abducted the informant and
took him near the *Ambedkar Chhatrawas* and all the accused
persons started assaulting him by means of iron-rod. Thereafter,
all the accused persons threw him on the bank of river. It is alleged



that co-accused Surajbhan called his co-villager, namely, Rupesh Kumar and told him about the occurrence. Thereafter, Rupesh Kumar came there and admitted him in Sub Divisional Hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that FIR has been registered against nine named persons, including the petitioner and 10 unknown persons. It is next submitted that this is a case of mob lynching and in fact, the informant and his friend were teasing school going girls and also misbehaving with them. Thereafter, looking such activity, several local persons gathered there, apprehended them and some of the local people assaulted them, in which, the informant has received some superficial injuries. He further submits that only one lacerated wound has been found on the left parietal region of the informant, which is simple in nature. The seized motorcycle which is alleged to have been used in the present occurrence, does not belong to the petitioner, rather the same is registered in the name of one Sangita Devi wife of Mahesh Prasad, resident of village Sarmaspur, P.S. Rajauli, District Nawada. He further submits that similarly situated co-accused, namely, Surajbhan Yadav, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 11.09.2024, passed in Criminal Misc. No. 58753 of



2024. Lastly, it has been submitted that petitioner has got one criminal antecedent.

5. Having regard to the submissions advanced on behalf of the parties and taking into consideration the fact that similarly situated co-accused, Surajbhan Yadav, has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Nawada, in connection with Rajauli Police Station Case No. 257 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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