

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69335 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

1. Kundan kumar Son of Bhola Yadav R/o Village- Katra par, Ps- Bihar, Dist- Nalanda
2. Rahul Kumar Son of Karu Lal Yadav Village- Sufi Nagar Talab par, Ps- Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners apprehend arrest in connection with
Laheri P.S. Case No. 142 of 2024 dated 27.03.2024, instituted
for the offence punishable under Sections 147, 149, 188, 307,
337, 353 and 504 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, while the informant along with
police party were on duty on the eve of *Holi* festival, 20-25
persons blocked the road, using loud speakers in high volume
and when the informant demanded permission order for the
same, then they became aggressive and used filthy language for



the police personnel and started brick-batting on the police party. Local persons have identified the accused person on seeing the video of the incident.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that FIR has been lodged against 19 persons including the petitioners. Learned counsel further highlighted that it is manifest from the F.I.R. that there was *Holi* Festival and on the occasion, the people of *Mohalla* were using sound box peacefully and not creating any nuisance rather there was an occasion of *Matka Phod Holi* and only to highlight himself, the police officer, concocted this false story and lodged F.I.R. against 19 persons including the petitioners. Learned counsel for the petitioners further submits that there is no specific allegation against the petitioners rather the allegation against them is general and omnibus. Also, other similarly situated persons, namely, Sonu Kumar, Bikki Kumar @ Gera and Bishal Kumar & Shivadi Kumar have been granted anticipatory bail *vide* orders dated 03-07-2024, 02-08-2024, 09-08-2024 passed by this Court in Cr. Misc. Nos. 39150 of 2024, 56526 of 2024 and 58953 of 2024 respectively. Lastly, it has been submitted that the petitioner No.1 has four criminal



cases pending against him whereas, petitioner No.2 has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon, furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Nalanda at Biharsharif, in Laheri PS Case No.142 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

