

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65022 of 2024**

Arising Out of PS. Case No.-57 Year-2024 Thana- KALER District- Jehanabad

Vishal Kumar @ Vishal Kumar Singh S/o Bali Singh @ Baliram Singh R/o
Village- Kaler, PS- Kaler, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shweta, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard Ms. Shweta, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Kaler P.S. Case No. 57 of 2024 instituted under Sections 147, 148, 341, 323, 332, 353, 188, 290 of the Indian Penal Code and 13, 4, 9 of Bihar Loud Speaker Control Act lodged on 27.04.2024 by the informant, Avinash Kumar.

3. As per the prosecution story, the informant alleged that at 2 A.M. on the music of D.J., four girls were dancing and 30-40 persons were watching it. As the police reached and demanded paper, they scuffled with the police. The 'Chowkidar' gave the names whereafter the implication and the FIR.



4. Learned counsel for the petitioner submits that he was merely attending the function and got implicated. Further, he do not have criminal antecedent. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. The deadline of use of music has been restricted to 10.00 P.M., still people unmindful of the old persons/sick as also the children continue with the music specially D.J. and in the process, the entire area gets disturbed. When the police made request, they scuffled with the police.

7. However, here considering that in this particular case, it is the allegation that the 'Chowkidar' has named him, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Kaler P.S. Case No. 57 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Arwal subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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