

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71779 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Sushil Kumar, aged about 30 years, M, Son of Sunil Kumar R/O Bharopar,
P.S.- Laheri, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Choudhary, Advocate. Mr. Abhishek, Advocate.
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, A.P.P.

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

ORAL ORDER

2 08-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Laheri P.S Case No. 215 of 2023 dated
31.03.2023 registered for the offences punishable u/ss 147,
148, 149, 341, 342, 323, 324, 325, 307, 337, 338, 332, 333,
353, 504, 506, 153A, 295, 379, 380, 435, 436, 427, 109,
120B of the Indian Penal Code and Section 27 of Arms Act
and later on added Section 25(1-b)a, 26 of the Arms Act.



4. As per the prosecution case, the accused persons and the petitioner were found involved in spreading religious frenzy between two classes and disturbing religious harmony in town by raising reciprocating slogans, firing, arsoning, pelting stones and brick bats at innocent people as well as public servant during procession of Ram Navmi festival. The accused persons also damaged the property of several persons by arsoning and loot.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the F.I.R. has been instituted against 35 named accused persons and more than 300 unknown persons with omnibus allegation. The narration made in the F.I.R. is suggestive of the fact that the petitioner has been recognized on the basis of CCTV footage, but surprisingly nothing has been shown, as to what role the petitioner had played in enticing riot between the two communal group. Learned counsel has further submitted that the petitioner was only a member of the procession of Ram Navmi and there is no other material suggesting his involvement in the present crime. The co-accused person



has already granted anticipatory bail by the Coordinate Bench of this court vide order dated 30.08.2023 passed in Cr. Misc. No. 56931 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nalanda at Biharsharif, in connection with Laheri P.S Case No. 215 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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