

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82478 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- NAVINAGAR District- Aurangabad

Bhola Singh @ Bhola Chandravanshi Son Of Late Gupteshwar Prasad
Resident Of Village - Mangal Bazar Nabinagar, P.S. - Nabinagar, District -
Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Nabinagar P.S. Case No. 179 of 2021, registered on 05.08.2021, for the alleged offence under Sections 147, 148, 149, 323, 337, 338, 307, 332, 333, 353, 427, 435, 504, 283, 188 of the Indian Penal Code and Section 3/4 of the Prevention of Damage to Public Property Act.

03. As per prosecution case, after death of a person by drowning while he tried to escape from the police as he was wanted accused in some excise case, F.I.R. named co-accused persons along with 300 to 400 persons created mayhem. They put blockade on road and started arsoning, stone pelting and damaging the Government property including the vehicles. By



indulging in unlawful act, they attacked the police party and caused injuries to them and also obstructed the traffic for sometime. The name of the petitioner surfaced during investigation as one of the accused persons involved in the alleged occurrence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is alleged to be a member of mob, but there is no material available against the petitioner to show his involvement. Learned counsel further submits that similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Benches of this Court vide order dated 14.07.2022 passed in Criminal Misc. No. 66121 of 2021. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that from the statement of witnesses recorded in the case diary, involvement of the petitioner came to the knowledge of the authority.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner with possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Aurangabad (Bihar) in connection with Nabinagar P.S. Case No. 179 of 2021 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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