

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84517 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Prem Baitha @ Premlal Rajak S/o- Late Mahavir Rajak Resident Of Mohalla-
Nai Bazar, Choti Masjid, Ps- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Singh, Advocate
3		Ms. Swati Parmar, Advocate
For the Opposite Party/s :		Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No.423 of 2023 instituted under Sections 147, 148, 149, 188, 290, 153A, 295, 295A, 296, 337, 338, 307, 332, 333, 353, 427 and 120B of the I.P.C. and Section 9 of the Bihar Control of Use and Play of Loudspeaker Act.

3. As per prosecution case, during the procession of Goddess Durga immersion when the procession reached near Masjid, it was stopped and music and chanting slogans were done. It is further alleged that some unsocial elements started throwing stones on the procession just when the procession started moving ahead.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of videography. He further submits that the petitioner is 69 years old. The petitioner was not a member of immersion procession. It is also submitted that similarly situated co-accused persons have been granted anticipatory bail by this Court as well as by a coordinate Bench of this Court vide orders dated 05.07.2024, 19.07.2024, 27.09.2024, 09.08.2024 and 04.07.2024 passed in Cr.Misc.No.34908 of 2024, Cr.Misc.No.51709 of 2024, Cr.Misc.No.69167 of 2024, Cr.Misc.No.53456 of 2024 and Cr.Misc.No.38031 of 2024 respectfully. The petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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 petitioner 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 A.C.J.M. 1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No.423 of



2023 subject to the conditions as laid down in Section 438(2) of
the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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