

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82933 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Mali Kumar @ Sonal Kumar, aged about 23 years, Gender- Male, son of Late
Vijay Singh R/o village- Alipur, P.S.- Buniyadganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Buniyadganj PS Case No.109 of 2023 dated 28.03.2023,
instituted under Sections 147, 148, 149, 153-A, 323, 325, 307,
337, 427, 504, 353 of the Indian Penal Code.

3. It is alleged by the informant, who is SI of
Buniyadganj PS, that he got information about the dispute
between the two communities near Alipur Bazar. Upon arriving
at the place of occurrence, he saw that peoples from both
communities were holding sticks, bricks etc. and were shouting
slogans. The informant asked them to stop shouting but they did
not stop and started assaulting each other. When additional force
arrived at the place of occurrence the situation came under



control.

4. Learned counsel for the petitioner submits that FIR has been lodged against nineteen named persons and twenty five unknown persons. Learned counsel submits that the name of the petitioner and others were disclosed by the local *chaukidar*. There is no specific allegation. It is further submitted that five co-accused, who are named in the FIR, have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 75643 of 2023. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

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 petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Gaya, in Buniyadganj PS Case No.109 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on



his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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