

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86181 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- SULTANGANJ District- Patna

1. Mantu Kumar, aged about 30 years, Male, son of Bal Krishna Ram, resident of Village- Dahiwar, PS- Dahiwar, District- Buxar.
2. Aman Kumar, aged about 21 years, Male, son of Kanhaiya Lal Paswan, resident of village- Dharampur, PS- Sarmaira, District- Nalanda.
3. Vishal Kumar, aged about 20 years, Male, son of Kailash Paswan, resident of village- Dhanchuki, PS- Rajgir, District- Nalanda,
All at present residents of Government Welfare Hosital, Mahendru, PS- Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Sultanganj PS Case No.338 of 2022 dated 19.09.2022, instituted
under Sections 341, 364, 511, 147, 148, 149, 323, 324, 307, 379,
354-B of the Indian Penal Code, Section 27 of the Arms Act and
Section 12 of the Prevention of Children from Sexual Offences
Act.

3. The prosecution case, in brief, is that the daughter
of the informant went to the shop of Sandeep Kumar for
bringing coils where 6-7 students of Ambedkar Hostel were



present who were in inebriated condition. They used disgraceful remarks for the daughter of the informant. The daughter of the informant came to her house and disclosed about the occurrence to her brother and family members. Then the son of the informant went to bring the coil at the shop where the students of Ambedkar Hostel pointed out the pistol on him and tried to drag him to the hostel upon which he started shouting and then the local persons as well as family members reached there upon which 25-30 students of the hostel started pelting bricks, stones and exploded bombs in which the informant's son and nephew have sustained serious injury. They also used firearms.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case case. It is further submitted that there is no specific allegation against the petitioners, rather, allegation is general and omnibus against the students of Ambedkar Hostel. It is further stated that in the last line of the written report it is alleged that Amar Azad, Mantu and Azad Bhai were leading the unruly mob and Vishal Kumar, Vikash Kumar and Sunny Kumar were also involved in the assault. It is further submitted that there is case and counter case between the parties. Sultanganj PS Case No.339 of 2022 has been lodged by one Sunny Kumar against the informant and



others under various sections of the Indian Penal Code as well as SC/ST Act. Both the parties are resident of same locality and they have compromised the case. A compromise petition has been filed in the Court below. Lastly, it is submitted that the petitioner no. 1 has one criminal case pending against him, whereas, petitioner nos. 2 and 3 have no criminal antecedents.

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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VII cum Exclusive Special Judge, POCSO, Patna, in Sultanganj PS Case No.338 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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