

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6314 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

1. Sonu Kumar @ Sonu Saw Son of Kishore Prasad R/o Katrapar, P.S. - Bihar, Distt. - Nalanda
2. Ganga Chaudhary @ Gangwa Son of Late Hira Chaudhary R/o Katrapar, P.S. - Bihar, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Laheri P.S. Case No. 214/2023 instituted under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 337, 338, 332, 333, 353, 504, 506, 153(A), 295, 379, 380, 435, 436, 427, 109, 120(B) of the Indian Penal Code and section 27 of the Arms Act lodged on 31.3.2023 by the informant, Dharmendra Pandit.

3. As per the prosecution story, the allegation is that on the eve of a festival, procession was taken out and it is alleged that due to subsequent comment, the procession turned violent and firing took place. In the process, both public and



private properties were damaged. Through the CCTV installed in different shops, the accused were roped in, followed by FIR.

4. Learned counsel for the petitioners submit that they being the passer-by, in the video footage, they were dragged in which necessitated this anticipatory bail. It is his further submission that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 2000/- each to the Chief Minister Relief Fund.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer stating that now a days, it has become fashion in the procession to make it violent which completely affects the police/law and order and even those who are travelling, have to suffer which include the aged persons and the children.

6. Though, everyone witnesses how the procession are being taken out, the fact remains that 100 of people have been roped in, FIR has been lodged, ultimately, the petitioners have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2000/- each to the Chief Minister Relief Fund.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Laheri P.S. Case No. 214/2023 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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