

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3126 of 2024**

Arising Out of PS. Case No.-243 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Chiku Kumar @ Rohan Raj S/O Chunnu Singh @ Ajit Kumar R/O Village-  
Hasna, Gaddi, P.S. Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| For the Petitioner/s     | : | Mr. Utsav Kumar with<br>Mr. Shashank Shekhar, Advts |
| For the Opposite Party/s | : | Ms. Pushpa Sinha.1, APP                             |

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      31-01-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with  
Gaighat PS Case No. 243 of 2023 dated 23-06-2023, instituted  
under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 353,  
435, 436, 427, 504 and 506 of the Indian Penal Code.

3. As per allegation in the First Information Report  
(for brevity 'FIR'), the informant, who is a police officer,  
received an information that two persons died in a road accident  
and thereafter, he along with other police personnel reached at  
the place of occurrence and saw that a mob of 100-150  
miscreants blocked the road and they were raising slogan  
against the death of both persons. When the police personnel



tried to pacify the matter, the accused persons started assaulting them with '*Lathi*', '*Danda*' etc., and they also threatened them.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is specific allegation against co-accused, namely, Santosh Kunwar and Jitendra Kunwar, and the petitioner has been made accused only for the reason that his house is situated in close vicinity to the place of occurrence. It is further submitted that the FIR has been lodged against 26 named accused persons, some motorcycles and 100 to 125 unknown accused persons. It is next submitted that the petitioner has been named in the FIR. Lastly, it is submitted that one named accused person, namely Sanoj Kumar @ Sanoj Kunwar, has been privileged with anticipatory bail by a Co-ordinate Bench of this Court on 18-10-2023, vide order passed in Cr. Misc. No. 67108 of 2023. The petitioner has no criminal antecedent, as per statement made in paragraph no.3 of the bail petition.

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 JM-1-cum Additional Munsif -II, Muzaffarpur, in Gaighat PS Case No.243 of 2023, 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)**

shyambihari/-

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