

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81235 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Makha @ Chotu S/O Suresh Prasad @ Suresh Swarnkar, R/O Katra Par, 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 : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Laheri P.S. Case No. 142 of 2024 dated 27.03.2024 instituted for the offence punishable under Sections 147, 149, 188, 307, 337, 353, 504 the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, while the informant along with police party were on duty on the eve of Holi festival, 20-25 persons blocked the road using loud speakers in high volume and when the informant demanded permission order for the same, they became aggressive and used filthy language for the police personnel and started brick-batting on the police party. Local persons have identified the person on seeing the video of the incident.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the present F.I.R. has been lodged against 19 named accused persons including the petitioner and other unknown persons. Learned counsel for the petitioner submits that similarly situated co-accused persons, namely, Sonu Kumar has been granted bail vide order dated 03.07.2024 passed by this Court in Criminal Miscellaneous No. 39150 of 2024. Co-accused, Bikki Kumar @ Gera has also been granted bail by this Court vide Criminal Miscellaneous No. 56526 of 2024 and Co-accused Bishal Kumar and Shivadi Kumar have been granted bail by this Court vide Criminal Miscellaneous No. 58953 of 2024. Learned counsel for the petitioner further submits that there is no specific allegation against the petitioner rather the allegation against the petitioner is general and omnibus. It is manifest from the F.I.R., that there were Holi festival and on the occasion, the people of Mohalla were using sound box peacefully and not creating any nuisance rather there was on occasion of Matka Phod Hole and only to highlight himself, the police officer concocted this false story and lodged F.I.R. against 19 persons including the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Laheri P.S. Case No. 142 of 2024, he will 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 C.J.M., Nalanda at Biharsharif, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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