

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51675 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- GHOSI District- Jehanabad

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BABAN KUMAR Son of Upendra Prasad Resident of Village- Arhit, P.S.-
Ghoshi (Okari), District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ghoshi (Okari) Police Station Case No. 78 of 2019, disclosing offences under Sections 341/427/353/307/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report lodged by the S.I. of Police, is that while the police was on patrolling duty and reached near the Karua road, they noticed that about 10-12 persons were standing on the left side of road with lathis in their hands. Upon asking, it has been alleged that they attacked the police, which resulted in the damage of police jeep. The police identified the petitioner and two other persons.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the police due to oblique motive. He further submits that upon perusal of the First Information Report, no offence under Section 307 of the Indian Penal Code is made out inasmuch as the allegation is that the petitioner and others allegedly attacked, which resulted in damage to the police jeep. So far as the antecedent of the petitioner, as stated in paragraph 3 of this application, is concerned, he submits that all these cases have been filed by his gotias, due to land dispute and the petitioner is on bail in all those cases and has never misused the privilege of bail at any point of time.

After having heard learned Counsel for the parties and taking into consideration the fact that no police personnel has received any injury in the alleged attack by the petitioner and others, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Baban Kumar, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-I, Jehanabad, in connection



with Ghoshi (Okari) Police Station Case No. 78 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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