

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.594 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- SISWAN District- Siwan

1. Rahul Kumar, aged about 26 years, Gender-Male, Son of Rajendra Prasad, Resident of Village - Chainpur, P.S.- Siswan (Chainpur O.P.), District- Siwan.
2. Pappu Kumar @ Pappu Prasad, aged about 35 years, Gender-Male, Son of Bachcha Prasad Resident of Village - Chainpur, P.S.- Siswan (Chainpur O.P.), District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar, Advocate.
For the Opposite Party : Mr.Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 143, 341, 323, 307, 353, 337 and 385 of the IPC.

The prosecution story, in brief, is that on 07.08.2019 at about 10.30 A.M. the informant received information that in a road accident when two persons were injured and a girl died,



there were protest by about 100-120 persons who were allegedly involved in blocking of road at Siswan, Chainpur. When the informant and others went there, accused persons with various weapons attached upon them and also injured police official. Due to stone pelting from the accused side, the police party compelled to retreat from the spot. They also forcefully got closed the market shops. The driver of the police vehicle was assaulted and his cloth were torn. They also pelted stone on the Chainpur O.P. premises.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on



anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M.-IV, Siwan, in connection with Siswan (Chainpur O.P.) P.S. Case No. 163 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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