

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4484 of 2020

Arising Out of PS. Case No.-362 Year-2013 Thana- LAKHISARAI District- Lakhisarai

Anand Kumar @ Anand Saw, Son of Late Jay Narayan Prasad @ Jay Narayan Saw, Resident of mohalla - Vidyapith Chowk, Ward No. 02, P.S. and District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Prajapati, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Pramod Prajapati, learned counsel for the petitioner and Mr. Shyam Kumar Singh, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 332, 353, 436 and 440 of the Indian Penal Code.

The prosecution case, as per the self statement of S.I., Rajesh Kumar Tiwary, Station House Officer, Kabaiya O.P. recorded on 21.09.2013 at 2.00 A.M., is to the effect that on



20.09.2013 at 8.45 P.M., the informant came to know through an unknown person at Masgarhi Chowk that one truck has dashed a motorcycle and the motorcyclist and his wife have received grievous injury and the public has blocked the road. The informant along with police force and Sub-divisional Police Officer went to the spot and found that the people are damaging the truck and litting it on fire. They were also trying to kill the driver of the truck in question. Subsequently, the preventive measures were taken and the FIR was lodged against 15 named and 150 unknown. The name of the petitioner sprang up during investigation.

It is submitted by learned counsel for the petitioner that the public was protesting against the inaction of the police and police, in order to save its skin, registered 21 cases for the same occurrence. The accusation is not specific against the petitioner and recently, the petitioner has come to know that in three of the said cases, the petitioner's name sprang up during investigation and hence, statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, several accused persons have been granted bail including the FIR named accused persons, i.e., Rouki Kumar vide Cr. Misc. No. 52734 of 2013, Dinesh Kumar



@ killa vide Cr. Misc. No. 5442 of 2014, Bablu Saw vide Cr. Misc. No. 17106 of 2014, Vicky Saw vide Cr. Misc. No. 38460 of 2014 and Pappu Saw vide Cr. Misc. No. 39948 of 2014 have been granted bail by Co-ordinate benches of this Court. The petitioner was not aware about his name being implicated. The petitioner is languishing in custody since 20.10.2019 and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up during investigation that he participated with the mob.

Considering the accusation being omnibus and general and the similarly situated co-accused persons have been granted bail and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 362 of 2013.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is



ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 362 of 2013.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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