

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7604 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- KURTHA District- Jehanabad

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1. Amit Kumar, Son of Rabindra Singh, Resident of Village - Nadaura, P.S.- Kurtha, Distt - Arwal.
 2. Sujit Kumar @ Jatahu, Son of Surendra Singh, Resident of Village - Nadaura, P.S.- Kurtha, Distt - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners are apprehending their arrest in connection with Kurtha P.S. Case No.204 of 2019 registered for the offence punishable under Sections 147, 148, 149, 353, 307



of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is that the police personnel on being informed regarding assembly of anti-social elements had gone to the place where they had assembled. They had started fleeing away. Two out of seven who were present there have been caught hold of and the remaining fled away. Thereafter, raids were conducted, leading to arrest of one Guddu Kumar and it is in this manner, the petitioners have also been arrested. There is also allegation against the petitioners of obstructing the police party in discharge of their public duty. The accused persons have also fired from their firearms over the police party.

Petitioners' counsel submits that the allegations against the petitioners are false. The implication of the petitioners is on extraneous considerations. No specific allegation of any firing has been attributed to the petitioners. There is criminal antecedents against Suraj Kumar and Pritam Kumar. The petitioners have also not obstructed the police party in any way. They have clean antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory



bail.

Accordingly, let both the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal, in connection with Kurtha P.S. Case No.204 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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