

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7680 of 2020

Arising Out of PS. Case No.-304 Year-2019 Thana- OBRA District- Aurangabad

RAKESH KUMAR SHARMA @ RAKESH SHARMA S/o Nanheshwar
Sharma @ Nandeshwar Singh R/o village- Ganga Bigha, P.S.- Obra, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar Pandey
For the Opposite Party/s : Ms Pushpa Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

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

Petitioner apprehends arrest in connection with Obra Police Station (for brevity, PS) Case No 304 of 2019 dated 11.12.2019 instituted for the offence punishable under Section(s) 147, 148, 149, 341, 323, 337, 338, 332, 353, 307, 171



(C) of Indian Penal Code, Section 27 of Arms Act and Section 131 of Representation of People Act.

The case of the prosecution is that on 11.12.2019, the informant (police official) received information regarding a clash between the two Primary Agriculture Credit Society (for brevity, *PACS*) candidates during election. On arriving at the place, stone pelting was going on amongst the two supporters and there is also allegation of some firing being done.

Petitioner's counsel submits that the petitioner has been implicated solely on political consideration because he was one of the candidates. There is no injury to any person in the occurrence. The alleged recovery of one cartridge is not supported by any seizure list. Petitioner has no criminal antecedent.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within eight (08) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra PS Case No 304 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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