

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13630 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- KANHAULI District- Sitamarhi

RAJIV KUMAR Son of Mahanth Pandit Resident of Village - Kanhauli, P.S.-
Kanhauli, Distt.- Sitamarhi, Owner of Motorcycle No. BR-30M-1596

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2020 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 petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 323, 324, 307, 353,
427, 447, 448, 452, 379, 380, 120(B), 504, 506, 193 of the
Indian Penal Code and 3 and 4 of Damage of Public Property
Act.

The prosecution case, in short, is that the accused
persons, forming an unlawful assembly, blocked the road by
burning trees and disturbed the police officials in discharge of



their duty.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired as the motorcycle of the petitioner was found close to the place of occurrence. Except for suspicion, there is no other substantive evidence to suggest his implication in the present case. Other co-accused has been granted anticipatory bail vide Annexure-2 to the present application.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R./complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 162/18, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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