

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17217 of 2020**

Arising Out of PS. Case No.-519 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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SHYAMAL PRASAD KUSHWAHA @ SHYAMAL BHAGAT @ SAMAL
BHAGAT S/o Lal Bihari Prasad R/o village- Batrauliya, P.S.- Muffasil,
District- Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 15-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Muffasil Town P.S. Case No. 519 of 2019 registered for the offence punishable



under Sections 147, 148, 149, 323, 353, 333, 307, 504 and 506/120B of the Indian Penal Code.

The case of the prosecution in brief is that on 06.11.2019 at about 12:10 PM., the informant along with forest officials had gone to Batruliya chowk and had found that a saw mill was running, whereafter inquiry was made from the petitioner about the valid documents pertaining to the said saw mill, but the petitioner could not show any valid document regarding running of the saw mill, hence, the saw mill and the tools of the saw mill were seized by the forest officials, but, in the meantime, at the instance of the petitioner herein, the villagers had arrived and prevented the officials from carrying out their official duties.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and though, he is an accused in one other case, but he is on bail in the said case. It is further submitted that the petitioner has been falsely roped in the present case and there is no allegation of any sort



of specific overt act having been engaged in as far as the petitioner is concerned.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that a general and omnibus allegation has been levelled against the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil Town P.S. Case No. 519 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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