

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20306 of 2020

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

PRAMOD MAHTO S/o Chandeshwar Mahto R/o village- Khap, P.S.-
Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The matter has been taken up through virtual court proceeding.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148,



149, 323, 324, 307, 353, 427, 447, 448, 452, 379, 380, 120B, 504, 506 and 193 of the IPC and Sections 3/4 of the Damage to Public Property Act.

The prosecution case as per the self-statement of S.I., Rakesh Kumar Gosai, S.H.O. Kanhauli Police Station, recorded on 28.12.2018 at 3 P.M., is to the effect that on the same day at 9 A.M., certain people came to the police station and inquired as to why, the accused of Kanhauli P.S. Case No. 160 of 2018 has not been arrested and thereafter, all the 32 FIR named accused persons including the petitioner and 100 unknown persons ransacked the police station, damaged the public property and obstructed the police personnel in discharging their duty, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that in fact, one boy was kidnapped and killed, leading to registration of FIR being Kanhauli P.S. Case No. 160 of 2018, but the police was not taking any action against the accused persons, as a result, the mob made protest and hence, in order to save its own skin, the present case has been lodged by the police. The accusation is omnibus and general against the mob. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover,



similarly situated co-accused persons, Bhola Mahto, Mahesh Mahto and others and Ajay Sharma @ Ajay Kumar and others have been granted anticipatory bail by different Co-ordinate benches of this Court vide order dated 06.03.2019, 11.04.2019 and 09.05.2019, passed in Cr. Misc. Nos. 13843, 22634 and 29636 of 2019, respectively.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that accusation is omnibus and general against the mob, similarly situated co-accused persons have been granted anticipatory bail by different Co-ordinate benches of this Court and the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months in the event of arrest or surrender before the learned Court below on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 162 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on 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 anticipatory 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 anticipatory bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 162 of 2018.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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