

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17456 of 2020**

Avinash Chaudhary @ Avinash Kumar Chaudhary son of Arun Chaudhary,
R/o village- Pokharam, P.S.- Biraul, District- Darbhanga... .. Petitioner
Versus
The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Ms. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2020 Heard learned counsel for the petitioner and Mr. Zainul
Abedin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Biraul P.S. Case No. 325 of 2019 registered for
the offences punishable under Sections 147, 148, 149, 341, 323, 337,
338, 325, 353, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is one amongst the 13 named accused and 200 unknown
accused. In the First Information Report the allegation against the
mob of about 200 persons is that they were pelting stones on the
police personnel, however, no specific allegation of commission of
any overt act has been made against the petitioner and the petitioner
has simply been identified as a member of the mob present there.

Learned APP for the State has though opposed the prayer
for pre-arrest bail of the petitioner but considering the facts and
circumstances of the case wherein the petitioner along with a mob of
200 persons is said to have assembled at the place of occurrence but



there is no specific allegation that this petitioner was identified throwing stones on the police personnel, since he has been identified only as a member of the mob present on the spot but no specific allegation is there against him, let the petitioner above named in case of his arrest or surrender within a period of six weeks from today in connection with Biraul P.S. Case No. 325 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Biraul, Darbhanga, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

avin/sushma-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

