

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17515 of 2020**

Arising Out of PS. Case No.-34 Year-2020 Thana- JAMUI District- Jamui

=====

VIMAL KUMAR Son of Late Buddinath Singh Resident of Village - Registry
Office, Jamui, P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anand Kishore Sinha, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

=====

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

5 12-11-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Jamui P.S. Case No.34/2020 registered
for the offences punishable under Sections 353, 504 and 506 of
the Indian Penal Code.

Learned counsel for the petitioner submits that this is
out and out false implication of the petitioner by the police sub-
inspector, Jamui who is informant of this case. He has lodged
the present case on 14.01.2020 at 22:45 hours alleging that
when he reached the residential house of the accused Gautam
Kumar who was absconding in Complaint Case No.950©/2017
and reached there at 10.30 pm and called upon the resident to



open the residential gate, the inside gate was opened by two persons one of whom is this petitioner. It is alleged that the persons who opened the gate were very angry and they were using unparliamentary language as they asked the reason for coming of the police team. It is alleged that on seeing that the police team had come to arrest the accused Gautam Kumar as a warrant of arrest has been issued against him, those two persons started abusing and indulged in pushing and fisting the constable and threatened them to get rid of their dress.

Learned counsel submits that the conduct of the informant in going to the residential house of the petitioner at 10.30 pm during the month of January which is a winter season and then without taking any responsible person of the society residing nearby may be noticed by this Court to see how the police is trying to frame the petitioner. It is further pointed out that on the one hand the informant himself says that the gate was opened from inside but at the same time the informant alleges that the petitioner and the co-accused indulged in pushing and abusing the police officer which is just not believable that in presence of so many SAP Jawans lashed with arms the petitioner would be indulging in such act. It is, thus, submitted that it is a case of false implication of the petitioner



who has otherwise no criminal antecedent.

Learned APP for the State is present and has though opposed the prayer for anticipatory bail of the petitioner, this Court having noticed the submissions made on behalf of the petitioner hereinabove and finding that the petitioner has otherwise no criminal antecedent, is inclined to grant privilege of anticipatory bail to the petitioner. Let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged 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 Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No.34/2020, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

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'.

