

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17438 of 2020**

Amit Kumar Yadav @ Amit Yadav son of Ram Karan Yadav, R/o village-
Balua, P.S.- Sakri, District- Madhubanipetitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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

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

The petitioner in the present case is seeking pre-arrest bail in connection with Raiyan P.S. Case no. 49 of 2019 registered for the offences punishable under Section 147, 149, 342, 323, 341, 447, 448, 337, 338, 307, 379, 353, 427, 435, 504, 506, 436, 120(b) of the Indian Penal Code and Section 4 of Public Property Damage Prevention Act, 1984.

Learned counsel for the petitioner submits that as per the prosecution story, a mob of about 400 persons had gathered near Raiyan Police Station in protest against the murder of the patrol pump owner and they were protesting by pelting stones.

Learned counsel submits that so far as this petitioner is concerned, he is said to be a member of the mob. There is no identification alleging that the petitioner was involved in pelting stones on the police personnel. It is further submitted that this petitioner has no criminal antecedent.

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 this petitioner is said to be a member of the mob but there is no specific allegation of commission of any overt act against him, he has no criminal antecedent and that co-accused similarly situated have been granted privilege of anticipatory bail in Cri. Misc. No. 17939 of 2020 vide order dated 15.07.2020, let the petitioner above named in case of his arrest or surrender within a period of six weeks from today in connection with Raiyan P.S. Case no. 49 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 Chief Judicial Magistrate, 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

