

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17505 of 2020**

Diwakar Chaudhary, Son of Brahmdeo Choudhary, Resident of Village-
Mojahidpur, Kutubganj, P.S.-Babarganj (Mojahidpur), District-Bhagalpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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

2 23-07-2020 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner, in the present case, is seeking anticipatory bail
in connection with Mojahidpur (Babarganj) P.S. Case No.279 of
2019 registered for the offences under Sections 147, 148, 149, 323,
353, 332, 333, 307, 337, 338 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
prosecution story when the police party had gone to arrest the co-
accused Ratan Choudhary who was creating nuisance after taking
liquor, it is alleged that some persons who are named in the First
Information Report including this petitioner along with 40 – 50
unknown male and female member of the village indulged in abuse
and assault upon the police party as a result whereof the members of
the police party got injury and accused Ratan Choudhary fled away.

Learned counsel submits that so far as this petitioner is



concerned, he has been named in the F.I.R. with general and omnibus kind of allegation, no overt act has been alleged against the petitioner and in fact the co-accused had got recorded a Sanha entry with regard to the co-accused Ratan Choudhary who was man of notorious antecedent. It is submitted that so far as this petitioner is concerned, he has been falsely dragged in this case due to village politics. He has no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but on perusal of the first information report this court finds that the petitioner is said to be one amongst the 21 named accused persons and 40 – 50 unknown persons against whom there are general and omnibus allegation of abuse and causing hindrance to the police party, however, there is no specific allegation against this petitioner for causing assault to the police party, the petitioner has also no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Mojahidpur (Babarganj) P.S. Case No.279 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 C.J.M., Bhagalpur, 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)

rajeev/arvind-

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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'.

