

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20183 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- PATEPUR District- Vaishali

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1. Pappu Sah S/O Girdhari Sah Resident of Village - Mukundpur, P.S. - Patepur, District - Vaishali.
 2. Yogendra Singh S/O Bhukhlu singh @ Late Sukhnandan Singh Resident of Village - Mukundpur, P.S. - Patepur, District - Vaishali.
 3. Md. Amjad S/O Jan Mian Resident of Village - Mukundpur, P.S. - Patepur, District - Vaishali.
 4. Vikash Kumar S/O Meghan Rai Resident of Village - Saidpur Dumra, P.S. - Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the office shall place the matter before the bench.



Heard learned counsel for the petitioners and learned counsel for the State.

It is submitted by learned counsel for the petitioners that petitioner No. 4 namely Vikash Kumar has been arrested, hence, his application has become infructuous.

Accordingly, the application with regard to petitioner No. 4 namely Vikash Kumar stands disposed of.

The petitioner Nos. 1 to 3 are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 452, 380, 436, 353, 332, 333, 307, 153, 504, 379, 511, 186, 188, 427, 504 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case as per the written report of S.I. Krishnadeo Khataith, submitted to the learned A.C.J.M, XIV, Hazipur is to the effect that on 12.10.2019 at 9:40 A.M., the informant heard a rumer



that one lady has been shot dead on the road. The informant went to the P.O. for verification and found the dead body of one Nutan Kumari lying on the road with bleeding injuries. Subsequently, fardbeyan of the Chaukidar Baidhnath Ram was recorded and inquest was prepared. However, in protest of killing of the victim, the villagers blocked the road and started protesting and due to blockage of the road, the body could not be taken as they were pressing for arrest of one Akhilesh Yadav who is alleged to have killed the lady. Subsequently, the mob put the house of Akhilesh Yadav on fire in which the said Akhilesh Yadav received injuries, leading to registration of the present case against 47 named and 300-400 unknown persons. The petitioners are named in the F.I.R.

Learned counsel for the petitioners submits that the mob was protesting against the inaction of the police and the police, in order to save its own skin has lodged the present case. The accusation is omnibus and general



against the petitioners.

A statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent and similarly situated F.I.R named accused persons have been granted bail vide order dated 05.03.2020 passed in Cr. Misc. No. 12011 of 2020 by Co-ordinate bench of this Court.

Learned counsel for the State submits that petitioners are named in the F.I.R. They not only obstructed the police in discharging of the official duties but put the house of one Akhilesh Yadav on fire.

Considering the accusation being omnibus and general against the mob and the petitioners are not having any criminal antecedent, let the petitioners, above named, except petitioner No. 4, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Chief



Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 267 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 267 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to



further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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