

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17891 of 2020**

Arising Out of PS. Case No.-1093 Year-2019 Thana- PHULWARISHARIF District- Patna

NAGESH SAMRAT Son of Suresh Pandey Resident of Village - Rupaspur,
Bhatta Par, P.S.- Rupaspur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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

2 05-06-2020 This application has been placed for

consideration by the order of the Hon'ble the Chief Justice

through virtual court proceeding.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner in the present case is seeking

regular bail in connection with Fulwarisharif P.S. Case No.

1093 of 2019 registered for the offences punishable under

Sections 147, 148, 149, 353, 341, 337, 338, 327, 332, 295A,

153A, 435, 307, 407, 504, 506/120B of the Indian Penal

Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that



although the petitioner is named in the First Information Report among the 101 named persons and about 1000 unknown persons who had allegedly assembled in the procession and had indulged in creating law and order problem, nothing incriminating has been alleged against the petitioner, there is no specific allegation against him, no police personnel was injured in the alleged occurrence and petitioner is in custody since 23.12.2019 as also that at least 10 co-accused similarly situated have been granted regular bail, investigation against the petitioner is complete and it is not the submission of learned APP for the State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named 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 Sub-Judge IX-cum-A.C.J.M., Patna in connection with Fulwarisharif P.S. Case No. 1093 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

