

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21143 of 2020

Arising Out of PS. Case No.-721 Year-2018 Thana- KADAMKUAN District- Patna

1. Raushan Sahni Son of Om Prakash Sahni Resident of Village - Churi Market Mahthi Complex, P.S. - Kadamkuan, Dist.- Patna.
2. Sonu Sahni Son of Om Prakash Sahni Resident of Village - Churi Market Mahthi Complex, P.S. - Kadamkuan, Dist.- Patna.
3. Suresh Sahni Son of Ram Chandra Sahni Resident of Village - Churi Market Mahthi Complex, P.S. - Kadamkuan, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 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.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 436, 427, 353 of the Indian Penal Code.

The prosecution case as per the written report of Nishikant Nishi S.I-cum-S.H.O, Kadamkuan Police Station, submitted to the Judicial Magistrate, Patna is to the effect that on 25.11.2018, the informant along with police personnel went to investigate in connection with Kadamkuan P.S. Case No. 718 of 2018, in the meantime, all the F.I.R. named accused persons including the petitioner and 50 unknown have gathered on a road along with the dead body of one Dilip Sahni and started protesting in connection with Kadamkuan P.S. Case No. 718 of 2018 and when the informant tried to pacify the matter then accused persons ransacked all the nearby shops, leading to registration of the F.I.R



against twenty named and fifty unnamed persons.

It is submitted by learned counsel for the petitioners that petitioners along with other people were protesting against the inaction of the police and police, in order to save its own skin lodged the case against the family members of the victim and general and omnibus accusation has been made against the petitioners and other co-accused persons. Statement has been made in paragraph-3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. submits that petitioners are named in the F.I.R.

Considering the nature of accusation being omnibus and general coupled with the fact that petitioners are not having any criminal antecedent, let the petitioners, above named, 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 Additional Chief Judicial Magistrate, 2nd, Patna in connection with Kadamkuan P.S. Case No. 721 of 2018, 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 Additional Chief Judicial Magistrate, 2nd, Patna in connection with Kadamkuan P.S. Case No. 721 of 2018 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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