

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21076 of 2020

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

Darshan Kumar Son of Late Mundrika Prasad Resident of NH-98 near Jogiya
Toli More Ward no.- 4 Khagual Road P.S. and P.O.- Phulwari Sharif, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the physical court proceeding is non-
functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
the office will place the matter before the bench.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 353, 341, 337, 338, 327, 332, 295A, 153A, 435, 307, 427,



504, 506, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the written report of Sri Kumar Kundan Lal, Circle Officer, Phulwarisharif submitted to the Station House Officer, Phulwarisharif Police Station, is to the effect that on 21.12.2019, a political party called for 'Band' against CAA and NRC bill and 700 people were protesting the same by a procession and on being asked to stop the procession, all persons started vandalizing a temple situated near the road and fired, as a result, eight persons received injuries and consequently, FIR was lodged against 101 named and 1000 unknown in which petitioner is named.

It is submitted by learned counsel for the petitioner that the 'Band' was called for by a political party and no violence has been done by the petitioner. The accusation is omnibus and general against mob. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner and others violated the law & order but admits that the accusation is against the mob.

Considering the fact that the accusation is omnibus



and general against mob and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned A.C.J.M.-IX, Patna Sadar/Concerned Court in connection with Phulwarisharif P.S. Case No. 1093 of 2019.

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 petitioners 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 thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Patna Sadar/Concerned Court in connection with Phulwarisharif P.S. Case No. 1093 of 2019,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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