

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21407 of 2020

Arising Out of P.S. Case No.-302 Year-2019 Thana-Sasaram(M) District-Rohtas

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Sanjay Kumar Gupta @ Birappan, son of Shri Bhagavan Sah, resident of
Village Amra Talab, P.S. Sasaram (M), District Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raghunandan Kr. Singh
For the Opposite Party : Mr. Jitendra Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sasaram(M) P.S. Case No. 302 of 2019, disclosing the offence punishable under Sections 427, 332, 353, 147, 148, 149 of the Indian Penal Code and Sections 33, 41 of the Forest Act, 1927.

Forest guard of Darigaon Forest Area is the informant, who has alleged that two tractors were found carrying illegal stones and when they attempted to intercept, the drivers of the tractors fled away leaving the tractors behind. It is further alleged that thereafter several persons assembled and they started pelting stones on the forest personnel and took away the tractors. The petitioner has been named as one of the persons



who was instrumental in taking away the tractors.

Learned counsel appearing on behalf of the petitioner has submitted that admittedly the tractors do not belong to him and his name has been mentioned in the FIR on the basis of disclosure made by such persons, whose identities have not been disclosed in the FIR. He has argued that evidently the allegation is general and omnibus and vague also.

I find substance in submission made on behalf of the petitioner on perusal of the FIR. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram(M) P.S. Case No. 302 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail



bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social-
distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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