

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22772 of 2020

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

Guddu Kumar Son of Moti Mahto Resident of North Sangat, P.S.-
Phulwarisarif, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The matter has been taken up through virtual Court proceeding.

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

Since the Court proceeding is not functional in physical mode, 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 languishing in custody since 22.12.2019 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, hence, the prayer for bail has been made through the present application.

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, Rastriya Janta Dal called for 'Band' against CAA and NRC bill passed by the Parliament 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 accused including the petitioner and 1000 unknown.

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. Though the petitioner is named in the FIR but the accusation is omnibus and general against mob. The investigation has already been concluded and similarly situated co-accused Surendra Mahto has been granted bail by Co-ordinate bench of this Court vide order dated 28.02.2020 passed in Cr. Misc. No. 12007 of 2020. 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 and petitioner is named in the FIR.

Considering the fact that the accusation is omnibus and general against mob and investigation has already been concluded, coupled with the 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 bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sub-Judge – IX, Patna 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 upon 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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (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 Sub-Judge –
IX, Patna in connection with Phulwarisharif P.S. Case No. 1093
of 2019.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

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