

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21131 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- ABADPUR District- Katihar

1. Samidul S/o Late Aniul Resident of Village- Dhumtola, P.S.- Abadpur, District- Katihar.
2. Sabratu @ Sabalu S/o Sakhir Resident of Village- Dhumtola, P.S.- Abadpur, District- Katihar.
3. Md. Kuddus S/o Habal Resident of Village- Dhumtola, P.S.- Abadpur, District- Katihar.
4. Zahir S/o Mairat Resident of Village- Dhumtola, P.S.- Abadpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 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, 323, 341, 307, 353, 332, 333, 427, 436, 120(B) of the Indian Penal Code.

The prosecution case as per the written report of Manoj Kumar, A.S.I, submitted to the S.H.O, Abadpur Police Station is to the effect that on 08.02.2020 when the informant was coming to police station after arresting accused Md. Mohsin who was an accused in Abadpur P.S. Case No. 102 of 2019, at the gate of the police station, accused Md. Mohsin became unconscious and fell down. In the meantime, all the F.I.R. named accused persons including the petitioners came and attacked on the police station, ransacked the whole building and damaged the articles kept in the police



station.

It is submitted by learned counsel for the petitioners that in fact, after making arrest of accused Md. Mohsin of Abadpur P.S. case No. 102 of 2019, he was brutally assaulted by the police, as a result, he became senseless and fell down. Hence, protest was made by family members and other people of the locality and in order to save its own skin, he lodged a false case against the petitioners and others. Moreover, the accusation is omnibus and general against the petitioners and other co-accused's statement as has been made in paragraph No. 3 of the petition to the effect that the petitioners are not having any criminal antecedent.

Learned A.P.P. submits that petitioners are named in the F.I.R. and they ransacked the police station building and damaged the articles kept in the police station.

Considering the nature of accusation being omnibus and general against five named accused



persons, and the petitioners, having no 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 Judicial Magistrate, 1st Class, Katihar in connection with Abadpur P.S. Case No. 14 of 2020, 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 Judicial Magistrate, 1st Class, Katihar Patna in connection with Abadpur P.S. Case No. 14 of 2020 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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