

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21104 of 2020

1. Kaloo @ Kalu, S/o Rajaque
 2. Md. Moti @ Matiur Rahman, S/o Sirajul
 3. Hakim @ Abdul Hakim, S/o Sirajul
 All resident of Village-Dhumtola, P.S. Abadpur, District-Katihar.
 Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Bhola Prasad, Advocate
 For the Respondent State: Smt. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-07-2020 Heard Mr. Bhola Prasad, learned counsel appearing on behalf of the petitioner and Smt. Nirmala Kumari, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Abadpur P.S. Case No. 14 of 2020, registered for the offence punishable under Sections 147, 148, 149, 323, 341, 307, 353, 332, 333, 427, 436 and 120B of the Indian Penal Code.

The informant is a police officer and allegedly, after apprehending an accused, while the said accused was being taken to police station, he had become unconscious. It is alleged that the family members of the accused, who had become unconscious, variously armed, assembled near the police station and attacked the police personnel. They vandalised vehicles parked in the police station premises and damaged other articles.



There are 48 persons named in the First Information Report including these petitioners. Allegedly, there were nearly 500 persons involved in commission of the offence. It transpires, on reading of the First Information Report, that there is no specific allegation against these petitioners of any overt act.

Considering the above, in my opinion, a case for grant of anticipatory bail is made out.

This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Katihar, in Abadpur P.S. Case No. 14 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed



within two months.

Since there is a lock down, 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)

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