

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21731 of 2020

Arising Out of P.S. Case No- 340 Year- 2019 Thana- Mojahidpur (Babarganj)

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1. RAHUL KUMAR @ RAHUL PODDAR, aged about 27 years, (male), S/o-
Anil Kumar Poddar @ Anil Poddar, R/o village- Mojahidpur, P.S.-
Babarganj, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Manoj Kumar Jha, Advocate
For the Opposite Party : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard Mr. Manoj Kumar Jha, learned counsel

appearing on behalf of the petitioner and Mr. Akhileshwar

Dayal, learned Additional Public Prosecutor, for the State of

Bihar.

This application for grant of anticipatory bail arises
out of Mojahidpur (Babarganj) P.S. Case No. 340 of 2019,
registered for the offence punishable under Sections 147, 341,
323, 504, 506 of the Indian Penal Code and Section 25(1-b)a,
26 and 35 of the Arms Act.

The occurrence had allegedly taken place when the
informant was celebrating his birthday. It is alleged in the F.I.R.



that six miscreants, who were not known to the informant, came to the informant's house and started abusing him. It is further alleged that one of the miscreants pointed a country made pistol towards the informant, when other persons, who had come to the informant's place to celebrate the birthday event, overpowered him. Four of the miscreants thereafter managed to escape and two were apprehended by the informant and his men. The persons, who were apprehended by the informant and his men are said to have disclosed names of two out of four other persons including this petitioner, who had been allegedly there with them.

It is evident from the F.I.R. that there no allegation against the petitioner of any overt act, whose name was allegedly disclosed by a person, who was apprehended by the informant.

Considering the facts and circumstances, as noted above, this application is 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with



Mojahidpur (Babarganj) P.S. Case No. 340 of 2019, 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 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 indicated that defect, if any, shall be shall be removed within two months.

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)

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