

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27438 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- ARARIA District- Araria

Md. Ghaisul Azam @ Gausul Ajam @ Md. Ghousul Azam @ Pappu, S/o
Abdur Rashid, Resident of Munsii tola, Karhara, Ward no.11, Kursail, P.S-
Jokihat, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2020 Since as of now the Courts have not resumed normal
physical hearing, the matter has been listed today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Mr. Jharkhandi Upadhyay, learned APP is appearing
for the State as it is submitted that the brief has been allotted to
him by the office of Advocate General.

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

The petitioner is apprehending his arrest in



connection with Araria P.S. Case No.78 of 2020 registered for the offence punishable under Sections 147, 148, 341, 342, 353, 427 and 504 of the Indian Penal Code.

There is an allegation that 24 named (including the petitioner) and 150-160 unnamed persons had put up a road blockade and were sloganeering against the Government establishment.

Petitioner's counsel submits that the petitioner has been implicated on suspicion, though he was assisting in lifting the road blockade due to which he has been found allegedly to be in video clipping. The petitioner bears a clean past. Even as per the prosecution case, offence under Section 353 I.P.C. is not made out against the petitioner as there is no allegation that the petitioner has deter the police officers in discharge of their duties in any way.

Learned APP for the State has opposed the prayer for pre-arrest bail and submits that the petitioner has been seen in the video clipping.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, 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., Araria, in connection with Araria P.S. Case No.78 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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