

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27577 of 2020**

Arising Out of PS. Case No.-496 Year-2019 Thana- KOTWALI District- Munger

MD. RIZWI Son of Late Md. Hassan Imam Resident of Village - Kamela
Road, P.S.- Kotwali (Purabsari), District - Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Kotwali (Purabsari) P.S. Case No.
496/2019, G.R. No. 3096/2019 registered for the offences
punishable under Sections 147, 148, 341, 323, 353, 427, 332, 333,
307 of the Indian Penal Code and ¾ of Damage of the Public
Property Act.

Learned counsel for the petitioner submits that as per
the First Information Report altogether 59 named and 200
unknown persons have been identified as the persons who were
protesting under the leadership of local MLA and in the said



process they were damaging the Buses and vehicles and had also been involved in throwing stones on the police personnel.

Learned counsel submits that not only the allegations are general and omnibus, so far as the petitioner is concerned, there is no allegation in the F.I.R. that he was found committing any overt act, in the nature of the general and omnibus allegations against all without attributing any overt act to the petitioner, the petitioner having otherwise no criminal antecedent, learned counsel prays for grant of pre-arrest bail to the petitioner.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein altogether 72 named and 200 unknown persons are said to have assembled and it is alleged that as a crowd they were involved in throwing and pelting stones whereas the submission of the petitioner is that he is a tempo driver and he was not involved in the present occurrence and no overt act has been alleged against him, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Kotwali (Purabsari) P.S. Case No. 496/2019, G.R. No. 3096/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Munger, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage it
is found that the petitioner has concealed his criminal antecedent,
the court below shall take step for cancellation of bail bond of the
petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

