

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.23539 of 2020

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

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1. Samir, S/o Duni, Resident of Village-Dhumtola, P.S-Abadpur, District-Katihar.
 2. Sayrat, S/o Duni, Resident of Village-Dhumtola, P.S-Abadpur, District-Katihar.
 3. Patharu, S/o Duni, Resident of Village-Dhumtola, P.S-Abadpur, District-Katihar.
 4. Neharul, S/o Duni, Resident of Village-Dhumtola, P.S-Abadpur, District-Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

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

2 07-10-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Choubey Jawahar, learned A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Abadpur P.S. Case No. 14 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 353, 332, 333, 427, 436, 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners along with other 48 named persons and about 500



unknown persons have been made accused in the present case alleging that they were involved in damaging the Police Station and setting the same on fire and tried to snatch away the arms from the police constables. The police had to fire five rounds of firings.

It is submitted that though these petitioners are named in the F.I.R. but there is no specific allegation against them and the persons similarly situated have been granted privilege of anticipatory bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 21131 of 2020, Cr. Misc. No. 21104 of 2020 and Cr. Misc. No. 21141 of 2020.

Although learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but has not shown any distinction between the case of the petitioners and those who have been granted privilege of anticipatory bail by learned co-ordinate Benches of this Court.

Having regard to the facts and circumstances of the case and that similarly situated accused have been granted privilege of anticipatory bail by learned co-ordinate Benches of this Court, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Katihar in connection with



Abadpur P.S. Case No. 14 of 2020, subject to the condition 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 petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

