

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28658 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. RAM KISHORE SAH Son of Ganaur Sah Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.
2. Mintu Thakur @ Mintu Kumar Son of Vishwanath Thakur Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.
3. Vishwanath Thakur Son of Ramchandra Thakur Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.
4. Raj Nandan Rai Son of Dip Narayan Rai @ Gonai Rai Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.
5. Ram Pravesh Thakur Son of Sukhlal Thakur Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.
6. Garib Sahni Son of Kari Sahni Resident of Village - Kharka, P.S. - Runni Saidpur, Dist.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-12-2020

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. Surendra Kumar, 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 petitioners and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he



is called upon to do so by the office.

Petitioners apprehend arrest in Runni Saidpur PS Case No. 45 of 2020 registered under Sections 147, 148, 149, 341, 323, 325, 307, 379, 332, 333, 353, 188, 427, 435, 436, 504, 506 of the IPC and Sections $\frac{3}{4}$ of Damage to Public Property Act.

26 named and 40 – 50 unknown persons are said to be returning after immersion of idol on Saraswati Puja. The petitioners were named accused persons.

It is submitted that having no criminal antecedent the petitioners have falsely been implicated in this case. There is no specific allegation against the petitioners and their implication is due to extraneous consideration.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Sitamarhi in Runni Saidpur PS Case No. 45 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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.

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(Madhuresh Prasad, J)

