

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28676 of 2020

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

1. Raushan Kumar, Son of Jaishankar Sah, Resident of Village - Ward No - 2 Kharka, Rain Shankar, P.S. - Runnisaidpur, Dist. - Sitamarhi.
2. Krishna Mohan Sah, Son of Ram Ekwah Sah @ Ram Ekwah Gupta, Resident of Village - Ward No - 2 Kharka, Rain Shankar, P.S. - Runnisaidpur, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Sujata Sinha, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-12-2020 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. Khurshid Anwar, 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 petitioners' Counsel would honour her undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

Petitioners apprehend arrest in Runnisaipur 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 of *Saraswati* Goddess. The petitioners are named accused persons.

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

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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in Runnisaidpur PS Case No. 45 of 2020, subject to the conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners 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 petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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