

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25367 of 2020

Arising Out of PS. Case No.-127 Year-2018 Thana- MAHUA District- Vaishali

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Baidnath Singh @ Baidhnath Sharma, male, aged about 75 years, S/o Late Achyabat Singh @ Achaybat Sharma, Resident of Village - Suratpur Vidya, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Mahua PS Case No. 127 of 2018 dated 29.05.2018, instituted under Sections 147, 149, 353, 504, 283 of the Indian Penal Code and 5/6 of the Essential Services Maintenance Act, 1968.

4. The allegation against the petitioner and seventeen named and seventy-five unknown persons is of blocking public road, claiming compensation for a she-buffalo which died due to



electrocution and raising slogans against the administration.

5. Learned counsel for the petitioner submitted that the petitioner is 75 years of age and is an ex-military personnel. It was submitted that the petitioner has been falsely implicated as he had, in fact, helped in clearing the blockade upon request made by the BDO to do so, which is corroborated in the letter written by the concerned BDO to the Officer-in-charge of the concerned Police Station requesting for removing the name of the petitioner as an accused in the present case. It was further submitted that similarly situated twelve other co-accused have been granted anticipatory bail by a co-ordinate Bench by order dated 14.07.2020 in Cr. Misc. No. 15915 of 2020. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that as per the allegation, the petitioner was also part of the crowd, which had blocked the road and raised slogans against the administration.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



Chief Judicial Magistrate, Vaishali at Hajipur, in Mahua PS
Case No.127 of 2018, subject to the conditions laid down in
Section 438(2) of the Code of Criminal Procedure, 1973.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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