

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86990 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- BIKRAM District- Patna

HARENDRA KUMAR Son of Jitendra Singh @ Khikhir Resident of Village
- Gorakhri, P.S.- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Ghanshyam Tiwari, the learned counsel for the petitioner and Shri Uma Shankar Prasad Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bikram P.S. Case No. 178 of 2019 for the offence punishable under Sections 147, 148, 149, 384, 307, 353, 337 and 338 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that the informant of this case who is Sub-Inspector of Police has lodged the FIR in question, alleging therein that on 10.06.2019 while he along



with others were patrolling in the evening, he got secret information that Golu & other criminals of the area were demanding extortion money from the businessmen in the Bikram market. Thereafter, the informant is stated to have informed his superior officials and then raid was conducted on 11.06.2019 at about 7:45 A.M. near Prachar Electronics where three bike borne criminals came there and started indiscriminate firing. The various persons who had assembled as part of the mob disclosed the names of the miscreants including that of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 28.08.2019. It is further submitted that the petitioner has been falsely implicated on account of local village politics.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner as also upon perusal of the case diary, it appears that a general and omnibus allegation has been levelled against the petitioner herein and there is no allegation of any sort of overt act as far



as the petitioner is concerned, apart from the fact that no test identification parade has taken place so as to connect the petitioner with the alleged crime and moreover the petitioner is languishing in custody since 28.08.2019, hence benefit of doubt can be granted to the petitioner herein for the purposes of grant of regular bail, thus I deem it fit and proper to direct for release of the petitioner on regular bail upon him furnishing personal bond to the satisfaction of learned A.C.J.M-VI, Danapur, Patna in connection with Bikram P.S. Case No. 178 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned A.C.J.M-VI, Danapur, Patna, in connection with Bikram P.S. Case No. 178 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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