

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35513 of 2021

Arising Out of PS. Case No.-499 Year-2018 Thana- BAKHTIYARPUR District- Patna

ONKAR PRASAD SON OF BASHISTHA PRASAD Resident of Village -
Raghopur, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Bakhtiyarpur
P.S. Case No. 499 of 2018 registered for the offence under
Sections 147, 148, 149, 341, 323, 307, 427, 353, 283 of the
Indian Penal Code.

Earlier prayer for anticipatory bail of the petitioner was
rejected by a co-ordinate bench (then his Lordship was) of this
court vide order dated 15-10-2020 passed in Cr. Misc. No.
15438 of 2020 taking into account that the petitioner along with
other co-accused named in the FIR had tried to prevent the



police from arresting the accused persons in connection with some other case. Admittedly, name of this petitioner had transpired in the present case on the basis of disclosure made by the local chowkidar. It has been submitted on behalf of the petitioner that due to inadvertent mistake, the order sheet of other co-accused who had been granted anticipatory bail by co-ordinate benches of this court by orders dated 15-04-2019 and 19-06-2019 in Cr. Misc. Nos. 23324 of 2019 and 16188 of 2019 respectively could not be brought on record on the earlier occasion, when the application for anticipatory bail of the petitioner was rejected. Hence, in the aforesaid circumstances, the present application has been preferred for second time.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The other co-accused with similar allegation have been granted bail by coordinate benches of this court vide orders dated 15-04-2019 & 19-06-2019 passed in Cr. Misc. Nos. 23324 of 2019 and 16188 of 2019.

On behalf of the State, it is submitted that the petitioner is



named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 499 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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