

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29578 of 2020

Arising Out of PS. Case No.-109 Year-2018 Thana- BHAWANIPUR District- Purnia

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SUMIT KUMAR @ SUMIT YADAV, Son of Upendra Yadav, Resident of
Village-Sishwa, P.S.-Bhawanipur, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 323, 341, 342, 353, 504 and 506/34 of the Indian Penal
Code.

Prosecution case in brief is that on 19.05.2018,



informant alongwith other police personnel during the course of raid, arrested the FIR named accused persons from Siswa village and informant was sitting with the said apprehended accused inside the jeep then the FIR named accused persons and 40/50 unknown female and male persons assembled and tried to get release of the said accused from the police custody and after that on protest, accused persons including the petitioner attacked on the police with lathi-danda with intention to kill them and they also abused the police officials on account of which some of the police personnel sustained injuries on their persons. The local Chaukidar identified the FIR named accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner and there is no overact against the petitioner. The similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this court vide order dated 23.08.2019 passed in Cr. Misc. No. 52302/2019.

Learned APP for the State opposes the prayer for of the petitioner.

In the aforesaid facts and circumstances of the case,



let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P. S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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