

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30084 of 2020

Arising Out of PS. Case No.-518 Year-2019 Thana- PHULPARAS District- Madhubani

Binod Kumar @ Binod Kumar Pandit, Son of Arun Pandit, Resident of
Village- Phulparas, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No.518 of 2019 registered for the offence punishable under Sections 147, 148, 149, 323, 337, 338, 504, 435, 427, 307, 332, 333, 353, 283, 188, 379 of the Indian Penal Code and Section 3/4 of the Prevention of Damage to Public Property Act.

26 persons have been arrested at the place where some persons have assembled demonstrating against the death of a person due to road accident. The allegation is that the public and private property has been damaged by the mob and certain police personnel have also been injured in the process.

The petitioner's counsel submits that only 26 persons



were arrested at the place of occurrence. The petitioner is not amongst those 26 persons. His name has subsequently been dragged in this prosecution on the basis of some alleged photography and disclosure by the village Choukidar. The same are not conclusive of the petitioner's participation in the protest. He was a *bona fide* passer-by and has no criminal antecedents. It is further submitted that the petitioner is a young person and is also pursuing his studies and that his career is likely to be jeopardized. The petitioner has no criminal antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that the vandalism has resulted in the injuries of the police personnel.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No.518 of



2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

