

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27543 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- ANDHRATHARHI District- Madhubani

MUNNA KUMAR @ PANKAJ KUMAR Son of Om Prakash Pradhan
Resident of Village - Andharatharhi, P.S. - Andharatharhi, District –
Madhubani. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Andharatharhi P.S. Case No. 62 of 2020 registered for the offences punishable under Sections 341, 342, 323, 307, 353, 325, 352, 120(B), 332, 333, 354(B), 34 of the Indian Penal Code and Section 3(1) of the Epidemic Disease Act 1897.

Learned counsel for the petitioner submits that as per the prosecution story the petitioner and his father were allegedly involved in assault to the police personnel and outrage the modesty of one lady constable when they were stopped for not wearing mask during lockdown period and the informant tried to impose fine on them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no such occurrence has ever taken place.



The police has lodged the case with exaggerated things which has been found by the learned A.C.J.M. III while granting bail to the father of the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the allegations against the petitioner is that during lockdown period he was moving without wearing mask and when the police party stopped him with his father and wanted to impose fine, both of them indulged in hitting and pressing the neck of the informant, snatched the fine book as also they bumped into the chest of lady constable but from perusal of the order dated 18.08.2020 passed by learned A.C.J.M. III (Annexure '2') while granting bail to the father of this petitioner, this Court finds that the learned court below had watched the CCTV footage of the alleged occurrence and has recorded that the manner of occurrence seems to have been alleged with exaggeration and the informant has made a serious case though no such things are available in the CCTV footage, in the nature of the materials available on the record, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Andharatharhi P.S. Case No. 62 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Jhanjharpur, subject to the



condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

