

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31866 of 2020**

Arising Out of PS Case No.-127 Year-2018 Thana- MAHUA District- Vaishali

Ram Pandey @ Ram Kumar, Male, aged about 30 years, Son of Awadh Pandey @ Awadhesh Kumar Pandey @ Avdesh Kumar Pandey, Resident of Village- Suratpur Vidya, PS- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the State : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Mahua PS Case No. 127 of 2018 dated 29.05.2018, instituted under Sections 147/149/353/504/283 of the Indian Penal Code and 5/6 of the Essential Services Maintenance Act, 1968.

3. The allegation against the petitioner, along with 17 other named persons and 75 unknown persons, is of forming illegal assembly, abusing government employees and deterring public servants from discharging their duties. It was submitted that as per the FIR, people had gathered demanding compensation for the death of a buffalo of Sanjay Kumar who was also injured due



to electric current and had also indulged in unlawful activity. It was submitted that no specific overt act has been alleged against the petitioner and further that he did not carry any criminal antecedent and only after more than a year of the present case, another case under the Excise Act has been instituted in which he is accused.

4. Learned APP submitted that the petitioner was part of the unlawful mob. However, she did not controvert that there is no specific allegation of any overt act against the petitioner.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua PS Case No. 127 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and the petitioner shall cooperate with the police/prosecution and the



Court. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of his bail bonds.

6. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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