

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31749 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- GORAUL District- Vaishali

1. Shashi Kumar, aged about 30 years, sex-Male, S/o Arun Sharma @ Binda Sharma Resident of Village- Shahpur Gaush @ Manziya, P.S.- Goraul, District- Vaishali.
2. Rubi Devi, aged about 25 years, Sex-Female, W/o Shashi Kumar Resident of Village- Shahpur Gaush @ Manziya, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vinod Kumar, learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Goraul PS Case No. 312 of 2019 dated 31.08.2019, instituted under Sections 147/ 149/ 333/ 338/ 323/ 353/ 427/ 307/ 504/ 506/ 120B of the Indian Penal Code.

4. The petitioners are accused of being part of the mob which had gone to the police station in connection with another



case lodged by the Engineer of the Electricity Department against the villagers for violent demonstration regarding disruption of electric supply.

5. Learned counsel for the petitioners submitted that they are not named accused in Goraul PS Case No. 311 of 2019 which was lodged by the Junior Engineer against others. It was submitted that they had gone to the police station for proper investigation into the matter and to solve the dispute and further that no specific overt act is alleged against the petitioners. It was submitted that there are 28 named accused and 70-80 unnamed men and women. It was further submitted that no injury was caused to the police personnel. Learned counsel submitted that they have no criminal antecedent and further that petitioner no. 2 is a lady. It was submitted that similarly situated co-accused namely, Ranjeet Sharma and Mithilsh Kumar in Cr. Misc. No. 30364 of 2020 on 17.12.2020; Bharat Sharma and Mahendra Thakur in Cr. Misc. No. 29773 of 2020 on 22.01.2021 and Pappu Kumar @ Pappu Sharma in Cr. Misc. No. 31131 of 2020 on 29.01.2021, have been granted bail by coordinate benches. It was submitted that all the co-accused were named both in Goraul PS Case No. 311 of 2019 as well as in the present case whereas the petitioners are accused only in the present case.



6. Learned APP submitted that the petitioners were part of an unlawful mob and were armed to intimidate the police.

7. 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 petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur at Vaishali in Goraul (Kathara OP) PS Case No. 312 of 2020, 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 petitioners, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the



Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

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

(Ahsanuddin Amanullah, J)

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