

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32852 of 2020

Arising Out of PS Case No.-53 Year-2013 Thana- GOPALPUR District- Gopalganj

Shandeep Kumar, age about 40 years (male), Son of Yogendera Sah @
Yogendra Prasad, Resident of Village-Semra Bajar, PS-Gopalpur, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Harendra Prasad, learned counsel for the petitioner and Mr. Mukeshwar Dayal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Gopalpur PS Case No. 53 of 2013 dated 22.03.2013, instituted under Sections 147, 148, 149, 342, 452, 323, 324, 307, 109, 353, 333, 379, 380, 337, 338, 435, 436, 427 and 120B of the Indian Penal Code.

4. The allegation against the petitioner is that he was part of a mob which had entered the police station and assaulted



police personnel and also damaged the vehicle, arsenal and government property worth Rs. 2,00,000/-.

5. Learned counsel for the petitioner submitted that the FIR was of the year 2013 and he was not aware of the same and further that even he was not present at the place of occurrence as he runs a *kirana* shop next to the police station. It was submitted that the petitioner has no criminal antecedent and there is general and omnibus allegation against 32 named accused, including the petitioner, and 200 unnamed persons.

6. 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 Judicial Magistrate, 1st Class, Gopalganj in Gopalpur PS Case No. 53 of 2013, 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, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he 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 his bail bonds. The petitioner 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 his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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