

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37699 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- NARDIGANJ District- Nawada

1. Bikram Kumar, age 23 years, Gender-Male, Son of Pokhraj Yadav, Resident of Village - Dariyapur, PS- Nardiganj, District- Nawada.
2. Indradeo Mahto, age 61 years, Gender-Male, Son of Somar Yadav, Resident of Village - Abdalpur Parariya, PS- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bhavesh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Nardiganj PS Case No. 03 of 2020 dated 02.01.2020, instituted under Sections 147, 148, 149, 341, 323, 307, 337, 338, 353, 332, 333, 285, 190 and 504 of the Indian Penal Code.

4. The allegation against the petitioners, along with 14 other named and 100-115 unknown persons, is that they were part of a mob which attacked the police party while protesting the



death of the driver of a pick-up van belonging to Praduman Sah, who had been assaulted by the locals on apprehension that he was committing theft of paddy at Hatia and during the course of treatment, had died.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and even if they were part of the mob, they were only there in view of there being protest made by persons with the dead body of the driver. Learned counsel submitted that though it has been stated that the *Chowkidar* has identified the petitioners, it has not been stated with regard to any specific overt act and the same is general and omnibus that the mob had attacked the police personnel with brickbats, bamboo sticks and tyre due to which two police personnel were injured. It was submitted that the petitioner no. 1 is a student and petitioner no. 2 is a farmer and had reached the spot upon seeing the mob and have been wrongly accused in the case and further, that they have no other criminal antecedent.

6. Learned APP submitted that the petitioners have been named in the FIR and also identified in the CCTV footage. However, it was not controverted that in the FIR, no specific overt act has been alleged against them and the allegations are all general and omnibus in nature against all the accused.



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 Judicial Magistrate, 1st Class, Nawada in Nardiganj PS Case No. 03 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 petitioners 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. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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