

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40997 of 2020

Arising Out of PS. Case No.-30 Year-2017 Thana- POTHIA District- Kishanganj

1. Md Sajjad @ Sajjad S/O Late Md. Safiruddin @ Bacha @ Bachan R/O
Village- Nadiagachh, P.S. Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 02-11-2021 Heard Shri Ram Prawesh Kumar, learned counsel for
the petitioner and learned A.P.P. for the State.

The petitioner is seeking anticipatory bail in connection with Pothia P.S. Case No. 30 of 2017 instituted for the offences under Sections 147,148, 149, 186, 332, 333, 341, 307, 353, 379, 436, 452, 427 and 120B of the Indian Penal Code read with Sections 3 and 4 of the Prevention of Damage to Public Property Act.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent, further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that one Raju Hansda and Chowkidaar Dilip Harizan were caught in an intoxicated state



for which Pothia P.S. Case No. 28 of 2017 was lodged for offence under Section 37(c) of the Bihar Prohibition and Excise Act, 2016. During medical checkup Raju Hansda tried to run away by jumping the boundary wall and he sustained some injury for which he was sent to P.H.C. Pothia for treatment from where he was referred to MGM, Kishanganj for further treatment and then was referred to NBMCH, Silliguri where he was under treatment on 11.02.2017. Further, that since the aforesaid accused was injured, the locals gathered and created ruckus in the police station leading to damage to certain public property. It is further submitted that the service revolver along with 35 rounds of bullet got looted of the A.S.I. Ram Kumar.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name has transpired during the course of investigation and the petitioner has been identified based on C.C.T.V. footage.

Learned A.P.P. for the State, after going through the case diary, submits that the petitioner was identified by the villager based on the C.C.T.V. footage but apart from that no overt act has been alleged against him.

Learned counsel for the petitioner submits that at best the petitioner was member of the mob and along with the



villagers had gone to see what was happening to Raj Hansda.

Considering the facts and circumstances of the case in its totality, and that the petitioner is a person with clean antecedent and nothing specific has come against him during the course of investigation, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 30 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

