

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39516 of 2020

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Akshay Kumar, Male, aged about 34 years, son of Indradev Yadav, resident of
village-Boknari, Puna Kalan, P.S. Paraiya, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021 The present petition has been taken up for
consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner
and the learned A.P.P. for the State, Sri Ashok
Kumar.

This is an application for grant of anticipatory



bail in connection with Paraiya P.S. Case No. 63 of 2019 registered for the offence punishable under Sections 147, 148, 149, 307 and 353 of the Indian Penal Code.

The case of the prosecution in brief is that when the informant along with other police personnel had gone to recover the victim Sharifa Kumari, there was some altercation as a result of which 34 named accused persons and 20-25 unknown persons started protesting and in the ensuing violence, the informant and others were injured.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been leveled against the petitioner and in fact, he has got no role to play in the alleged incident. Lastly, it is submitted that



similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 17.02.2020 passed in Criminal Miscellaneous No. 83668 of 2019.

Per contra, the learned APP for the State, Sri Ashok Kumar, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been leveled against the petitioner and the petitioner has not been alleged to have engaged in any sort of specific overt act, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II, Gaya in connection with Paraiya P.S. Case No. 63 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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