

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40330 of 2020**

Arising Out of PS. Case No.-266 Year-2019 Thana- PIRPAINTI District- Bhagalpur

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Bikash Roy @ Bikash Ray, aged about 32 years- M, S/o Chandradeo Roy,
R/o Village- Bakharpur, P.S.- Pirpanti (Bakharpur), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the State : Mr. Nand Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 15-06-2021

The matter has been heard *via* video conferencing.

2. The case has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Pirpainty (Bhakharpur) PS Case No. 266 of 2019 dated 14.12.2019, instituted under Sections 147, 149, 323, 341, 353, 427, 504, 506 of the Indian Penal Code.

5. The petitioner, along with five others named and



10-15 unknown, is accused of having attacked the police party when it had gone to apprehend dreaded criminal, Basuki Thakur, on prior information, leading to damage to the police vehicle and also injuries on the police personnel and also obstructing in official duty.

6. Learned counsel for the petitioner submitted that there is no specific overact alleged against the petitioner and only general and omnibus allegation has been levelled that the crowd had assembled and attacked the police party causing injury and also damaging the police vehicle. It was submitted that the petitioner being resident of the locality may have been present, but had no role in the incident. It was further submitted that the petitioner has no criminal antecedent. Learned counsel submitted that similarly situated co-accused, Laltu Ray @ Laltu Roy, Bikash Tiwari @ Vikash Kumar and Hira @ Hira Thakur @ Niranjana Thakur have been granted anticipatory bail by a coordinate Bench by order dated 22.12.2020 in Cr. Misc. No. 24724 of 2020. It was submitted that though the allegation is that police personnel were injured, but only one policeman was found to be injured and he has also sustained some minor injuries, which are simple in nature.

7. Learned APP submitted that there is allegation of



assault against the petitioner also. It was further submitted that the accused have been identified in the light of the police vehicle. However, it was not controverted that there was no specific act alleged against the petitioner and the same is general and omnibus against all the accused persons and also similarly situated three co-accused have been granted anticipatory bail.

8. 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 ACJM-XI, Bhagalpur, in Pirpanti (Bakharpur) PS Case No. 266 of 2019, 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.

9. 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.

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

(Ahsanuddin Amanullah, J)

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