

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1909 of 2021**

Arising Out of PS. Case No.-310 Year-2019 Thana- PIPRA District- East Champaran

Pankaj Kumar @ Pankaj Paswan Son Of Sri Ramagya Paswan Resident Of
Village-Banjariya, Police Station-Pipra, District-East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Section 302 of the Indian Penal Code.

Prosecution case, in short, is that on 06.09.2019 the villagers gave information to the informant-Chaukidar that some villagers brutally assaulted unknown person in suspicion of thief of child. On said information, the informant arrived there and found that many persons of the village assembled there and they are brutally assaulting a person and after sometimes he died.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused due to mistake of fact. The F.I.R. has been instituted against unknown persons. No specific overt act is alleged against the petitioner. The mob had gathered on hulla and entered the said area and ultimately the mob assaulted the deceased, who subsequently succumbed to the injuries. Further it was suspected that the thief had come to commit theft of small children of the village.

On behalf of the State, it is submitted that the petitioner is not named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Pipra P.S. case No.310 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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

