

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2252 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- FALKA District- Katihar

Atwari Das @ Atwari Ravidas, son of Late Sukhdeo Ravidas, R/O Village-Shabda, P.S.- Falka, District-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajendra Prasad Sah, Advocate
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Harish Chandra Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-05-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Falka P.S. Case No.296 of 2020 instituted for the offence punishable under Sections 147, 148, 149, 323, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.



The allegation in the F.I.R. is that co-accused Chandrakant Mandal was ploughing the informant's field along with ten more persons. Altogether there are 11 accused persons. The specific allegation of assault is levelled against co-accused Chandrakant Mandal, co-accused Barun Mandal and co-accused Rishav Mandal.

The petitioner's counsel submits that on account of the petitioner's political background, as earlier he was *Mukhiya*, he has been implicated in this case at the instance of his political opponents. The petitioner was not present at the time of occurrence and has no concern whatsoever with the same. Even as per the allegations made in the F.I.R., specific allegation of assault is against three persons. At best, against the petitioner along with other co-accused, there is allegation that they have while fleeing away, they were firing. Under such circumstances, the petitioner is in custody since 30.08.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Katihar, in connection with Falka P.S. Case No.296 of 2020, subject to the following conditions:

(i) That one of the bailors of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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