

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11536 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Shiva Harijan @ Shivpujan Das, Son of Mahendra Harijan, @ Mahendra Das
Resident of Village - Chandpur, P.S. - Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jagdishpur P.S. Case No. 343 of 2021 registered for the alleged offences under Sections 147, 149, 341, 342, 353, 332, 333, 307 and 504 of the Indian Penal Code.

The prosecution case is that the petitioner along with other co-accused persons were part of the mob and they assaulted the police party and in this assault, the shoulder bone of the informant was fractured and a lady constable also received injury.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The allegation of assault are general and omnibus and there is no specific allegation against this petitioner. No injury has been reported which shows an attempt was made on the life of a police personnel. Even no grievous injury has been found on any of them. The learned counsel further submits that due to death of a child, it was a public outburst and the petitioner was not even part of the protest and he was not arrested from the spot. The petitioner has got clean antecedent and the charge sheet has been submitted. He is in custody since 12.10.2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that there is general and omnibus allegation against the petitioner and other co-accused persons and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 12.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur in connection with Jagdishpur P.S. Case No. 343 of 2021, subject to the following



conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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