

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29901 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. Vinay Singh Son of Vishundeo Singh R/o Village- Jamin Kamtaul, P.S. - Kudhni, District - Muzaffarpur.
2. Chandu Kumar @ Chandan Son of Gulzar Singh Resident of Village - Balaur, P.S.- Kudhani, District- Muzaffarpur.
3. Vikaram Kumar Son of Arun Singh Resident of Village - Balaur, P.S.- Kudhani, District- Muzaffarpur.
4. Deepak Kumar Son of Suresh Singh Resident of Village - Muzaffara Kamtaul, P.S.- Kudhani, District- Muzaffarpur.
5. Raja Kumar Son of Anil Singh Resident of Village - Jamin Kamtaul, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehend their arrest in a case registered for the offences punishable under Section 147, 148, 149, 323, 307, 188, 295, 295(A), 504, 506/34 of the Indian Penal Code read with Section 3/4 of Epidemic Act, 1897.

According to prosecution case, the informant who happened to be S.I. of police posted in Kurhni police station has recorded his self statement in which he alleged against the



petitioners that on 25.07.2020 when the informant was on duty he got information from the local chowkidar is that the petitioners and others were found breaking communal peace and tranquility in two communities by violating the guidelines issued by the government during Corona Pandemic. It was further alleged that it were mere a fight for mobile repairing but turned into a communal fight and when the informant searched local government school he found petrol and head bottles.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the accused persons including this petitioners. He further submits that the petitioners were the member of mob and there is no specific allegation against them and they were never involved in the communal fight. He further submits that now peace and tranquility has been restored peacefully between both the communities.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or



surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kudhani P.S. Case No. 461 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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