

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34036 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

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TIPU KUMAR SON OF VIKASH RAUT Resident of Village-Mirjapur,
Police Station-Barahat, District-Banka

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 147, 148,
149, 323, 332, 333, 353, 307, 506 of Indian Penal Code, in
connection with Barahat P.S. Case No. 28 of 2022.

As per the prosecution story, when the police
conducted a raid and arrived at Punsiya Chowk, it is alleged that
the driver and owner of the vehicle tried to escape but one of
them was apprehended who disclosed his name as Pritam
Yadav. However, lots of people came for rescue of the said
Pritam Yadav and surrounded the informant and other police
personnel and started pelting stones on them. Further allegation



is that the accused Pritam Yadav also assaulted the SDPO causing head injury. The prosecution story further read that the accused persons managed to rescue Pritam Yadav and took him with them.

Learned counsel for the petitioner submits that he was not found on the spot but has been implicated in this case on the basis of statements of those arrested and accordingly he is in custody since 11.2.2022 (as stated in para-11 of the bail application).

Per contra, learned APP submits that there is grave allegation of assault on the police for the rescue of an accused person coupled with the fact that his name has cropped up and has and has also criminal antecedent.

Considering the fact that omnibus allegation is against the petitioner and his name has come up during the course of investigation, though he has criminal antecedent, this Court is inclined to grant him the privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Banka, in connection with



Barahat P.S. Case No. 28 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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