

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54885 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- MADHUBAN District- East Champaran

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SHAMBHU RAM, Son of Late Mahadev Ram Resident of Village- Majhar
Pakaridayal, P.S.- Pakridayal, District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 15-06-2022 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail, apprehending his arrest,

in connection with Madhuban P. S. Case No. 133 of 2021,

registered for the offences punishable under Sections 188,

268, 269, 270, 271, 341, 353 and 34 of the Indian Penal

Code; Section 3 of the Epidemic Disease Act, 1897; and

Section 51 of the Disaster Management Act, 2005.



Prosecution story in brief is that when the informant and other police personnel proceeded for night patrolling, 30-35 persons gathered near the house of one Rameshwar Rai and made protest against them.

The learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. No specific overt act has been attributed against the petitioner. Apart from this, it has been submitted that the similarly situated persons have already been granted anticipatory bail by a Bench of this Court *vide* order dated 08.04.2022, passed in Cr. Misc. No. 41639 of 2021.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Hon'ble Apex Court.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be



released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Motihari, in connection with Madhuban P. S. Case No. 133 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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