

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70859 of 2021

Arising Out of PS. Case No.-472 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Raj Kumar Patel @ Raj Kumar Singh @ Dabbu Patel, S/o Mahesh Rai @ Mahesh Prasad Rai @ Mahesh Prasad Ray @ Mahesh Kumar Patel, Resident of Near R.B.S. College, Kutupur Kothi, Thathan Buzurg, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravish Mishra, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the present application.

Mr. Ravish Mishra, learned counsel for the petitioner submitted that the defects are mainly because only e-filing of applications are permitted by the Court. He submitted that defects can be removed only if filing of hard copy is permitted. He undertook that even if the applications are heard and disposed of on merit in due course of time when the Court would permit filing of hard copy, the defects pointed out by the registry would be removed.

In view of the above submissions made by the



learned counsel for the petitioner, with consent of the parties, the application has been taken up for hearing on merit.

The petitioner seeks pre-arrest bail in connection with Hajipur Sadar P.S. Case No.472 of 2021 registered for the offences punishable under Sections 188, 147, 148, 341, 323, 325, 307, 353 of the Indian Penal Code and Section 51 of the National Disaster Management Act.

According to the prosecution case, on 13.05.2021 while the informant, an Assistant Sub Inspector of Police along with the police team was on patrolling duty related to enforcement of covid guidelines of the government, he saw that at the market some people were buying and selling vegetables and were not following the covid protocols. The police party tried to persuade them to follow the covid guidelines but, the vegetable vendors became agitated and they started assaulting the police team and a police constable sustained fracture injury on his head due to the assault by the vendors. The local choukidar disclosed that Baijnath Kumar, Sonu Kumar and Vevek Kumar were instigating 35-40 unknown persons to assault the police party. It is further alleged in the first information report that the petitioner and son of Ganesh Rai were the persons involved in running the market.



Learned counsel for the petitioner submitted that from perusal of the first information report, it would be evident that the allegation of assault upon the police team is against unknown persons and the motivators were co-accused Baijnath Kumar, Sonu Kumar and Vivek Kumar. He further contended that Baijnath Kumar, who is one of the main accused in the case has been granted pre-arrest bail by the court below vide order dated 05.07.2021 passed in A.B.P. No.1606 of 2021.

On the other hand, learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that these days such kind of offences have become rampant. He further contended that the petitioner can not run away from the vicarious liability, as he was the person who was running the market along with son of one Ganesh Rai.

Considering the submissions advanced on behalf of the parties, since one of the named accused Baijnath Kumar has already been granted pre-arrest bail and the petitioner is not specifically alleged to have participated in the assault upon the police team as also that the allegation against him is that he along with son of Ganesh Rai was running the market, I am inclined to grant him pre-arrest bail. He is directed to be released on bail in the event of his arrest or surrender in the



court below on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.472 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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