

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2439 of 2023

Arising Out of PS. Case No.-150 Year-2020 Thana- KHUSRUPUR District- Patna

DINESH KUMAR S/o Lakhan Saw @ Lakhan Prasad Thathera R/o- Bhuski,
Ward No. 10, P.S.- Khusrupur, District- Patna Petitioner/s
Versus
THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard Mr. Akhauri Kamal Kishore Sahay, learned
counsel for the petitioner and Mr. Shailendra Kumar, learned
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Khusrupur PS Case No. 150/2020 dated 02.05.2020 registered
for the offence punishable under Sections 188, 269, 270, 271,
353 of the IPC and Section 52 of the Disaster Management Act
with Section 3 of the Epidemic Act.

3. As per First Information Report, the informant
during course of patrolling arrived near Khushrupur Bazar and
found that during lockdown/Corona period, the petitioner was
having his shop opened and was selling products from his
departmental shop. Altogether eight shopkeepers were found to
be violating the Epidemic Act and the Corona guidelines.

4. Learned counsel for the petitioner submits that on
the request of local people in order to provide them the essential
commodities, the shop was opened with permission for a few



hours. He next submits that the allegation against the petitioner is frivolous in nature and the petitioner has been implicated by the patrolling team with oblique motive. It is also submitted that the another accused person whose name is in the FIR and is a shopkeeper has been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 59213/2022 *vide* order dated 19.12.2022.

5. Regards being had to the submissions made by the parties, taking into consideration the material on record and the fact that the co-accused has been granted anticipatory bail by a Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Patna City, Patna in connection with Khusrupur PS Case No. 150/2020, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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