

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17067 of 2023

Arising Out of PS. Case No.-400 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. MANOJ CHOUDHARY @ MANOJ KUMAR CHOUDHARY Son of Late Jagarnath Choudhary
2. Sumit Kumar @ Sumit Mandal
3. Amit Kumar @ Amit Kumar Mandal @ Amit Mandal both are Son of Siyaram Mandal R/V- Bade Hasanpur, Sidpur P.S- Jagdishpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Jagdishpur P.S. Case No.400 of 2019 instituted under Sections 147, 148, 149, 151, 152, 353, 341, 323, 504, 307, 379, 427, 436 of the Indian Penal Code as well as Section 3 of Prevention of Damage to Public Property Act lodged on 09.12.2019 by the informant Ram Bharosh Mahto.

As per the prosecution story, informant alleged that on way to Jagdishpur, one motorcycle, car and truck met with



accident where the driver of the motorcycle was came under the wheels of the Truck and he was died at the place of occurrence. Thereafter the local villagers became angry and threw the said car/ and other six Trucks into the fire. Upon information, the officers concern reached there and controlled the situation. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that number of persons were rounded off and they were not having any knowledge about it and only after cognizance taken the need to file the anticipatory bail.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, each petitioner on its own would like to contribute towards the Chief Minister Relief Fund of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that in 2019 matter four year later the petitioners have come before before this Court.

Taking into account the case in hand as also the fact that the number of persons were implicated and the petitioners



came to know about that only after the cognizance, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of the amount as undertaken by them.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Jagdishpur P.S. Case No.400 of 2019 to the satisfaction of learned Judicial Magistrate, Ist Class, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

(Rajiv Roy, J)

Prakash Narayan /
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