

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17960 of 2023

Arising Out of PS. Case No.-52 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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HIMANSHU KUMAR S/O NAND KISHORE SINGH R/v- Khamhar, P.S.-
Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No 52 of 2019 for the offence under Sections 147, 149, 341, 323, 387, 353, 332 and 504 of the I.P.C. lodged on 30.01.2019 by the informant Ambika Prasad.

The prosecution story, in brief, is that on 30-1-2019, the informant alongwith other police personnels proceeded for investigation and raid in connection with Muffasil P.S. Case No. 45 of 2019 and when they reached near village 'Khamhar', saw many vehicles standing on Begusarai-Manjhaul road. On query, it was learnt that anti social elements have blocked the road near Khamhar-Madhuri Dhala and as they reached there, those blocking the roads started raising slogan and attacked the police



party. The police unsuccessfully tried to pacify the matter when Guddu Rai requested to remove the blockage the anti social elements demanded One lakh rupees for that. It has further been alleged that this petitioner alongwith others have taken active part in the occurrence. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that in a mob of hundreds of people, due to enmity, he has been implicated and some of the similar placed co-accused have also been granted the same relief.

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, the petitioners on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to the Chief Minister's Relief Fund.

Learned APP opposes the prayer.

Taking into account the aforesaid fact that omnibus allegation is there against a mob and some of the co-accused have been granted relief, this Court is inclined to extend him the privilege of anticipatory bail subject to the payment as



undertaken above.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, 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, Begusarai, in connection with Muffasil P.S. Case No 52 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his bail bond by the Trial Court itself;

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

(iv) the petitioner 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;

(v) 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 anticipatory bail application is allowed.

(Rajiv Roy, J)

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