

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18018 of 2023

Arising Out of PS. Case No.-90 Year-2020 Thana- PAKRIDAYAL District- East Champaran

1. Nandeshwar Mukhiya Son Of Umesh Mukhiya R/O Vill.- Sishani, P.S.- Pakaridayal, Distt.- East Champaran
 2. Abhinandan Mukhiya @ Abhinandan Kumar Son Of Laxman Mukhiya @ Laxman Sah R/O Vill.- Sishani, P.S.- Pakaridayal, Distt.- East Champaran
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Pakridayal P.S. Case No. 90 of 2020 under sections 147, 148, 149, 186, 354, 353, 332, 333, 188, 269, 270, 307 of the Indian Penal Code and section 4/5-51 of the Disaster Management Act and section 4/5-3 of the Epidemic Disease Act, 1897.

The prosecution story, in brief, is that the informant of Pakridayal P.S. has alleged that while he was checking the motorcycle during the Covid-19, some female and male persons assembled at the medical shop armed variously and started assaulting the police party and thus injured some of them.

It has been submitted by the learned counsel for the petitioner that during Covid period there was gathering at medical shop and since the people were not wearing masks, the



police directed them to wear masks whereafter they became aggressive and assaulted the police men. However, he was not named in the FIR and during investigation, his name has been deliberately dragged in the case.

It has also been submitted that similarly placed co-accused have been granted relief by a coordinate bench of this Court vide Cr. Misc. No. 23178 of 2021 disposed of on 23.12.2021 (Annexure-2 series).

Considering the nature of allegation as also they do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari East Champaran, in connection with Pakridayal P.S. Case No. 90 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 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;

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

(iv) 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;

(v) the petitioners 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)

Ravi/Kiran

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