

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45229 of 2023**

Arising Out of PS. Case No.-163 Year-2020 Thana- HARLAKHI District- Madhubani

RAGHUNATH THAKUR @ RAGHU SHARMA S/O MAHESHWAR  
SHARMA @ MAHESHWAR THAKUR R/O Village- Phulhar, P.S- Harlakhi,  
Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

- 2      04-08-2023      1.                      Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2.                      This is an application for grant of anticipatory bail in connection with Harlakhi PS case no. 163 of 2020, registered for the offences punishable under Sections 353, 188 and other allied sections of the Indian Penal Code.
3.                      The allegation is regarding an orchestra programme having been organized on 16.09.2020 and when the informant got information about the same, he along with his police force had gone to the alleged place of occurrence, where they saw that about 100 villagers were present in the orchestra programme during the Covid-19 Pandemic period, hence, the police force had reprimanded the organizer and requested to stop the same,



whereupon they started abusing and pelting bricks and stones upon the police force.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not named in the F.I.R., however, subsequently, during the course of investigation, his name has transpired in the present case on account of information having been given by the local village *chowkidar* regarding his complicity. It is also submitted that since the petitioner has not engaged in any specific overt act, he is not having any complicity in the matter, thus he be granted the privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not been named in the F.I.R., he is having a clean antecedent and moreover, he is not alleged to have engaged in any specific overt act, I deem it fit and appropriate to admit the petitioner to



the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate 1<sup>st</sup> class, Benipatti (Madhubani) in connection with Harlakhi PS case no. 163 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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