

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58048 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- CHHATAUNI District- East Champaran

AKASH KUMAR SON OF KISHORE SHARMA RESIDENT OF
VILLAGE - BARA BARIYARPUR, P.S. - CHHATAUNI, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mrs. Sharda Kumari, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Chhatauni P.S. Case No. 520 of 2022, F.I.R. dated 06.10.2022 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 353, 332, 333, 427 of the Indian Penal Code.

3. Allegation against the petitioner is that he was the office bearers of the Puja Samiti but when some commotation took place, he instead of pacifying the mob instigated them to commit offence.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case only on the basis of suspicion. He



further submits that from perusal of the F.I.R. it appears that there is no accusation of assault or over act attributed against the petitioner at best the petitioner is a member of mob and similarly situated co-accused person namely Pappu Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 54361 of 2023, another co-accused persons namely Sita Ram Sah and Others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 38908 of 2023, another co-accused persons namely Dev Prakash @ Jaylal Sah and Jitendra Kumar have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 49691 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 520 of 2022, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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