

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59863 of 2023

Arising Out of PS. Case No.-202 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

ARUN KUMAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Tariyani P.S. Case No. 202 of 2021 for the offence registered under sections 147, 149, 341, 342, 323, 353, 307, 332, 337, 283, 427, 504 and 506 of the Indian Penal Code and Section 3/4 of the Damage to Public Property Act, 1984 lodged on 19.08.2021 by the informant.

As per the prosecution story, the allegation is that the police upon information that the local persons are creating hindrance on traffic moved to the said place where they found a 400 persons burning tire and obstructing traffic. They were armed variously and the procession was led by one Mukesh Kumar Jha as also Naresh Singh and Dinesh Gupta. The



allegation is that upon sight of the police, on the exhortion made by the Mukesh Kumar Jha, the accused persons assaulted Circle Officer, Taryani as also the Sub-Inspector and other Police Personnel. Accordingly, the FIR.

Learned counsel for the petitioner submits that the specific allegation has been made against Mukesh Kumar Jha, Shiv Naresh Singh & Dinesh Gupta and omnibus allegation against all the mob members which included the petitioner. He was passing by the said road, do not have criminal antecedent but has been implicated. He further submits that irrespective of the outcome of the present case, he want to contribute Rs. 2,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer for bail stating that they not only obstructed the traffic insisted the people to attack the police.

Considering the fact that the specific allegation has been made against the named accused persons, he is not named person, omnibus allegation is there and he do not have criminal antecedent, this Court is inclined to grant him anticipatory bail subject to payment of Rs. 2,000/-, as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Chief Judicial Magistrate IInd, Sheohar in connection with Tariyani P.S. Case No. 202 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 month for next one year to mark 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 the bail bonds;



With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

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