

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60523 of 2023

Arising Out of PS. Case No.-390 Year-2023 Thana- BIHTA District- Patna

PAPPU KUMAR, SON OF JAI PRAKASH RAI @ JAI PRAKASH SINGH
RESIDENT OF VILLAGE - MUSEPUR, P.S. - BIHTA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Bihta P.S. Case No. 390 of 2023 registered for
offence under Sections 147, 148, 149, 341, 323, 325, 307, 353,
332, 333, 224, 225 and 427 of Indian Penal Code.

3. As per prosecution case, the co-accused was found
in an inebriated condition and was apprehended for being
subjected to breath analyzer test. It is alleged that 50 to 60
persons including the petitioner have surrounded the excise
police and have also indulged in brick batting and assaulting.

4. Learned counsel for the petitioner submits that
having no antecedents, the petitioner has been made an accused
because he was in the vicinity at the time of alleged occurrence.



There is no specific allegation attributed against the petitioner. Co-accused persons namely *Rahul Kumar* and *Jitendra Roy* have been allowed bail by a coordinate bench.

5. Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner along with other co-accused persons has obstructed and assaulted the police party.

6. Considering the rival submissions, claim based on parity, clean antecedent of the petitioner and the nature of general and omnibus allegations, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Danapur, Patna, in connection with Bihta P.S. Case No. 390 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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