

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61749 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- PATAHI District- East Champaran

1. AKHAND JYOTI @ SATYAM KUMAR Son of Lalan Singh Resident of village- Jihuli, P.S- Patahi, District- East Champaran
2. Md. Anis @ Chhote Miyan Son of Md. Majnum Miyan Resident of village- Jihuli, P.S- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioners and the learned APP for the State through
video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection
with Patahi P.S. Case No. 87 of 2021 instituted under Sections
188, 268, 269, 34 of the Indian Penal Code and Section 51 of
Disaster Management Act, 2005 and Section 27 of Arms Act.

As per the information, learned counsel for the
petitioners submit that so far as the petitioner No. 1 is
concerned, he has since been arrested and as such, the petition
against him has now become infructuous.

As per the prosecution story, the police got



information that a video has gone viral showing Orchestra programme that was organised on 1.5.2021 to celebrate the 'Chhati' of the son of the petitioner No. 1, Akhand Jyoti @ Satyam Kumar in which firing was also made. Upon coming to know about the said video of the Orchestra programme during the Covid-19 period, the FIR against both the petitioner No. 1 where the 'Chatti' was being celebrated as also petitioner No. 2 who was the owner of Orchastra. This according to the police was done on 1.5.2021 when there was night curfew during Covid-19 pandemic.

Learned counsel for the petitioners submit that the son of the petitioner No. 1 was born on 3.4.2021 and the 'Chhati' was organized on 9.4.2021 and taking into account the date of programme i.e. 1.5.2021, the police on its own implicated these petitioners.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the kind of allegation that has come against the petitioner No. 2 as also the fact that he has clean antecedent and the only allegation is against him is of that providing Orchestra, he will be cooperating in the investigation and ultimately will face the trial, this Court is inclined to extend



him privilege of anticipatory bail.

Let the petitioner No. 2 be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Patahi P.S. Case No. 87 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(v) 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;

(vi) the petitioner 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.

(Rajiv Roy, J)

Ajay Singh/-

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