

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60293 of 2022

Arising Out of PS. Case No.-104 Year-2018 Thana- TRIVENIGANJ District- Supaul

MAHESH SARDAR Son of Bindeshwari Sardar Resident of Village -
Lachhminiya (Pilwaha), P.S.- Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Triveniganj P.S. Case No. 104 of 2018 instituted under Sections 147, 148, 149, 341, 323, 332, 333, 307, 353, 427, 431, 504 of the Indian Penal Code and Section 3 of Prevention of Damage to the Public Properties Act, 1984.

As per the prosecution story, the police personnel alleged that in course of incident of murder, he found a dead body lying and started making inquiry and as they moved towards the bridge, the relatives of the deceased had blocked the road. They attacked the police party and in the process, was also assaulted.

Accordingly, the FIR.

Learned counsel for the petitioner submits that



omnibus allegation against 300-400 people has been made including 17-18 named accused persons, the petitioner being one of them. Further, being away from the State in search of job, he could not come before this Court on time.

The further submission is that other co-accused have since been granted the relief and the last submission is that irrespective of the outcome of the present case, he would like to contribute towards Chief Minister Relief Fund of Rs. 10,000/- through Demand Draft issued by the local State Bank of India Branch.

Learned APP on the other hand opposes the prayer of bail stating that allegation against them is of assaulting the police personnel.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and some similarly situated persons have been extended the relief of anticipatory bail vide Cr. Misc. No. 14716 of 2019 (Mithilesh Risideo and Another), this Court is also inclined to give him same benefit of anticipatory bail to this petitioner subject to payment of Rs. 10,000/-, as stated above.

Let the petitioner 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 Triveniganj P.S. Case No. 104 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-1, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with 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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