

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69090 of 2022**

Arising Out of PS. Case No.-753 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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TAPI KUMAR @ ADITYA KASHYAP S/O Sitaram Yadav R/O Village-
Jabaripur, P.S- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection
with Kotwali (Barari) P.S. Case No. 753 of 2021 instituted
under Sections 147, 148, 149, 323, 307, 353, 332, 337 of the
Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the informant, Assistant
Sub-Inspector alleged that during the immersion of the 'Kali'
idol, the police had information that those in the procession may
attack during the movement of the said procession, the route
was changed and the police was vigil, still 40-50 persons started
pelting stones and this completely affected the law and order
situation in the town of Bhagalpur. The further allegation is



against one Sanjay Chaudhary who was carrying a country made revolver and was firing indiscriminately. It was only after some time and with the efforts of the parties that they left the place whereafter some accused were identified and accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he is a young boy and have nothing to do and was only part of procession but has been implicated in this case.

Further submission is that without accepting the allegation, as a token of gesture would like to contribute Rs. 10,000/- towards Chief Minister Relief Fund, Bihar through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for bail stating that these accused persons including the petitioner herein disrupted the law and order situation in the town and in the name of the immersion of the Goddess 'Kali', they resorted to illegal activities.

Be that as it may, the omnibus allegation is against the accused persons including the petitioner herein of being part of the unruly mob that was moving along with the procession, specific allegation is against Sanjay Chaudhary, the petitioner do not have criminal antecedent, this Court is inclined to extend



him privilege of anticipatory bail 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 Kotwali (Barari) P.S. Case No. 753 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, 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 one year 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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