

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71236 of 2022

Arising Out of PS. Case No.-457 Year-2022 Thana- BETTIAH CITY District- West
Champaran

MD. ALAM @ MD. SHAHJAD ALAM Son of Md. Misraulhaque R/v- Tola
Khadda Chaudihwara, Ward No. 5, P.S.- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No. 457 of 2022 instituted under Sections 143, 147, 148, 149, 341, 323, 353, 332, 333, 338, 435, 436, 307, 427, 504, 120B, 395, 412 of the Indian Penal Code and section 27 of Arms Act and sections 3/4 of Prevention of Damage to Public Property Act, 1984.

As per the prosecution story, the SHO, Bettiah Town P.S. alleged that while on patrolling duty, he came to know that 500-700 protesters have attacked the house of the local M.P. and also tried to put it on fire and the loot was also done. In the process, the policemen also got injured and the accuseds also



tried to snatch the police weapons against which in self-defense, bullets were also fired upon the protesters.

The case of the defence is that :

(i) although the petitioner has been named in F.I.R, the same has been made on the instance of petitioner's enemy;

(ii) the petitioner was not at the place of occurrence but those apprehended took his name;

(iii) there is omnibus allegation and he is a student residing at Patna.

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

Taking into account the fact that omnibus allegation is against 500-700 people although, the name of the petitioner is amongst them, omnibus allegation is against 500-700 people, nothing specific has been attributed to him save and except that altogether 72 persons have been named along with 500-700 unknown persons, is a student, this Court is inclined to extend him privilege of anticipatory bail subject to strict conditions.

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 Bettiah Town P.S. Case No. 457 of 2022 to the satisfaction of learned C.J.M., Bettiah, West Champaran at Bettiah, 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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