

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78569 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- PUNPUN District- Patna

1. ANJAN KUMAR S/O MAHENDRA THAKUR VILLAGE- ALLAUDIN CHAK, PS. PUNPUN, DIST. PATNA
2. BECHAN KUMAR @ GUDDU @ BECHAN S/O ARJUN SINGH VILLAGE- BASHIYAWAN, PS. PUNPUN, DIST. PATNA
3. CHOTU KUMAR @ ANAND KUMAR @ CHOTTU S/O CHANDAN PASWAN VILLAGE- ALLAUDIN CHAK, PS. PUNPUN, DIST. PATNA
4. ROHIT KUMAR S/O BULLU KEWAT VILLAGE- ALLAUDIN CHAK, PS. PUNPUN, DIST. PATNA
5. PANKAJ KUMAR S/O LATE RAMDEV SINGH VILLAGE- ALLAUDIN CHAK, PS. PUNPUN, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard Mr. Pramod Kumar, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Punpun P.S. Case No. 103 of 2023 instituted under under Sections 147, 148, 149, 188, 332, 333, 341, 323, 326, 337, 338, 307, 427, 435, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 01.04.2023 by the informant, Dharmendra Kumar.



3. As per the prosecution story, the allegation is that a 13 years old boy was killed by a person with unsound mind. The villager thereafter started following him whereafter he climbed the electric pole with high voltage electric wires, fell down and ultimately died. As the police and the Officers from the administration tried to take the dead body of the boy for post mortem, the villagers started pelting stones on them, from the videography, the accused persons were rounded of which includes these petitioners.

4. Learned counsel for the petitioners submit that they belonged to the same village and out of curiosity had went to the place and have been implicated but none of them had criminal antecedent. Further, irrespective of the outcome of the present case and/or accepting the allegation, each of them want to contribute Rs. 2000/- each to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that from the videography, the name of these petitioners have come and as such he opposes the prayer for bail of the petitioners.

6. Though, it has become the tendency of the locals to attack the police after each and every accident/killing, they failed to do their duty as a citizen to prevent such occurrence/accident which can be seen by the people riding cars



on the National Highway in high speed but the locals fail to bring this to the officials and instead after accident they go berserk and start assaulting everyone including the passers-by/police men/tourists/anyone coming within their sight, which is nothing but deprecable.

7. However, so far as the present case is concerned, considering the allegations as also that entire villagers have been rounded off, putting them behind jail will serve no purpose, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 2,000/- each as undertaken by the learned counsel for the petitioners.

8. Let the petitioners be released on bail, in the event of their 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 Punpun P.S. Case No. 103 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate, Masaurhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 petitioners 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 their bail bond by the Trial Court itself;

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

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

(v) the petitioners 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.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

