

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7468 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- BHAGWANPUR District- Vaishali

CHOTU KUMAR SON OF ARJUN SINGH R/O-BABHANTOLI, P.S.-
GORAUL, DISTT.-VAISHALI Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 146 of 2023 registered under Sections 147, 149, 323, 325, 283, 290, 332, 337, 353, 504, 506 and 427 of the Indian Penal Code lodged on 17.06.2023 by the informant, Ramkrishna Paramhansh.

3. As per the prosecution story, due to accident between four wheeler and a two wheeler, the motorcycle driver died. Further, thereafter allegation is that the accused persons resorted to violence, causing damages to the vehicles and creating chaos. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he was a passer-by and only because he is a resident of the said place, he has been dragged in the case.



5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute Rs. 2,000/-to the Patna High Court Legal Services Committee.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has been named in the FIR.

7. Though it is unfortunate that after accident, the local resorted to the violence, causing problem not only to the people residing there but also to those who are coming from a distant place, in view of the fact that number of persons have been dragged in and ultimately the petitioner will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 2,000/- as stated above.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M.-1st, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 146 of 2023 subject to condition as



laid down under Section 438(2) of the Cr.P.C.

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

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

(iv) 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 his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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