

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21194 of 2024

Arising Out of PS. Case No.-430 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

SHANKAR RAY @ SHANKAR RAI S/o Rameshwar Ray Resident of
Nayaka Tola Ramnagar @ Ramnagar, P.S.-Mufassil, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. Case No.430 of 2019 , F.I.R. dated 28.10.2019 registered for the offence punishable under Sections 188, 143, 145, 342, 283, 353 of the IPC.

3. The prosecution case, in short, is that informant received information that in Ramnagar village on the main road there are 100-150 local people protesting for drainage. They have obstructed the traffic. The informant went to verify the information and take necessary step. At 11:00 a.m. he reached on the place of occurrence and saw that 100-150 people have



obstructed the traffic by use of bamboo. The crowd were uttering slogan against administration. The informant tried to pacify the crowd but the people were not ready to go there from. The informant informed the matter to SHO on phone and they came there and pacified the people there. Shankar Rai, Lalji Rai and Ganour Rai were leading the crowd. Due to obstruction made by the crowd school bus, ambulance and other vehicles were obstructed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that the FIR is instituted against the altogether 150 unknown persons and the informant had only identified only three persons including the petitioner. He further submits that there is no accusation of any assault or overt act is attributed against the petitioner, rather there is allegation that petitioner had obstructed the traffic movement.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that petitioner has no clean antecedent and there is specific allegation against the



petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Chapra Muffasil P.S. Case No.430 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for



cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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