

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31640 of 2024

Arising Out of PS. Case No.-643 Year-2023 Thana- GARKHA District- Saran

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Bidhan Rai @ Bidhan Kumar Son of Bhushan Rai Resident of Village- Tahal
Tola, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupesh Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends his arrest in connection with Garkha P.S. Case No. 643 of 2023 registered under Sections 147, 148, 149, 323, 353, 307, 120(B), 504 and 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.10.2023 by the informant, Amitesh.

3. As per the prosecution story, the informant alleged that he along with the Mines Inspector and other Police force seized eight trucks with sands without any *challans*. In the meantime, the locals attacked the police personnel and also resorted to fight, they had to retreat, which followed the F.I.R.

4. Learned Counsel for the petitioner submits that he is neither the owner nor driver of any of the truck and only because he is a local and was present at the wrong place, implicated. The further submission is that the similar situate Sanjay Kumar Rai has been granted bail in Cr. Misc. No. 86312



of 2023.

5. The last submission is that irrespective of outcome of the present petition and/or accepting the allegation, he wants to contribute Rs. 5,000/- to the District Legal Services Committee, Chapra for the purchasing of journals by way of Bank Draft issued by the local State Bank of India Branch.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he is one of the accused persons named by the police.

7. Taking into account the fact that the omnibus allegation of assault is there, there is no criminal antecedent, similar situate persons have been granted relief, as stated above, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 5,000/- 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 A.C.J.M.-IV, Saran in connection with Garkha P.S. Case No. 643 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/relative 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 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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