

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39312 of 2024

Arising Out of PS. Case No.-712 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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1. Chandan Kumar Sah @ Chandan Kumar S/o Jay Jay Ram Sah R/O Village-Sri Nagar Raj Banshi Tola, P.S.-K.Nagar, District-Purnea
 2. Manish Kumar S/O Rudra Paswan R/O Village-Sri Nagar Jageli, P.S.-K.Nagar, District-Purnea
 3. Sharwan Paswan @ Sharwan Kumar @ Sharwan Kumar Paswan S/o Jinnu Paswan @ Binu Paswan R/O Village-Sri Nagar, Santi Nagar Tola, P.S.-K.Nagar, District-Purnea
 4. Meghu @ Meghu Paswan S/O Jinnu Paswan @ Binu Paswan R/O Village-Sri Nagar, Santi Nagar Tola, P.S.-K.Nagar, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-06-2024

Heard the parties.

2. The petitioners are apprehending arrest in connection with K. Nagar (Srinagar) P.S. Case No. 712 of 2023 instituted under Sections 147, 148, 149, 341, 323, 342, 333, 325, 307, 353, 379, 427, 504, 506 of the Indian Penal Code lodged on 17.12.2023 by the informant, Prakash Tanti.

3. As per the prosecution story, the informant who is Sub-Inspector of Police at Srinagar O.P. under K. Nagar police station alleged that on the fateful day, while on patrolling duty, they came to know about an accident by a tractor on the motorcycle and when they reached the place, came to know that the injured has been sent to Sadar Hospital, Purnea. The locals



had assembled, even the police tried to take the tractor to the police station, the crowd not only misbehaved, starting pelting bricks, stones causing damage to the government vehicle. The informant tried to escape but was also manhandled. Accordingly, the FIR against named persons/unknown persons.

4. Learned counsel for the petitioners submit that there was an accident, they were out on the street, only on false implication, everyone has been rounded. None of them has criminal antecedent and irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 2500/- each which will go to the to the Srinagar O.P. under K. Nagar Police Station and Rs. 2500/- each be handed over to the informant and the three policemen who were part of the Police team and suffered injuries.

5. Learned APP opposes the prayer submitting that it is the habit of the locals to assemble after an accident and instead of rushing the injured to the hospital, they create chaos, he as such opposes the prayer.

6. Though, there is valid point in the submission of the learned APP, after every unfortunate accident, the locals create chaos and in that process, also assault/damage the vehicles that are coming on that road instead of taking the



injured to the Hospital, give family help. It is high time that the public realize the same and take remedial measures.

7. So far as these petitioners are concerned, number of them have been rounded up, do not have criminal antecedent, FIR lodged, they will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2500/- each through the Demand Draft of local S.B.I. and submitted alongwith surrender petition in turn to be handed over to the Srinagar (O.P.) P.S. under K. Nagar P.S. which in turn will extend Rs. 2500/- each to the informant/policemen named in the F.I.R.

7. 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 K. Nagar (Srinagar) P.S. Case No. 712 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Purnea 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 petitioners 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;

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

(Rajiv Roy, J)

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