

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46068 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BIRAUL District- Darbhanga

Shashi Kant Jha, aged about 69 years, Gender-Male, S/o Late Ramchandra Jha, R/o Village-Hati, P.S.-Biraul, District-Darbhang.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sameer Ranjan, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Biraul P.S. Case No. 130 of 2024 dated 27.03.2024 registered for the offences punishable under Sections 147, 148, 149, 120B, 186, 188, 341, 342, 323, 324, 325, 332, 333, 353, 307, 337, 354(kha), 504 and 506 of the I.P.C.

3. As per the prosecution case, the informant got information that a motorcycle was coming rashly and negligently from K. Asthan side and dashed with tempo. At the same time, a prisoner's van was coming from the opposite side due to which, one person came under the said van and died on the spot. The petitioner and the co-accused Dharmendra Singh



are alleged to have instigated the 100-200 persons to enter the police station premises with intent to commit untowards incident and about 50 people entered the police station premises and threw the chairs and government documents outside the police station and some people were holding inflammable substance in their hands and sound was coming from the crowd to burn the police station. The petitioner and the co-accused persons were identified through video footage with the help of Mahal Chowkidar. The petitioner is alleged to have abused, attacked on the police party and also assaulted them with *lathi* and *danda* causing hindrance in discharging duties of public servant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the alleged offence nor the deceased is his villager. On the alleged date and time of the occurrence, when the petitioner was returning from *Supaul Market* to his village after purchasing medicine and he was on the way to his home, police arrested him. Nothing incriminating article has been recovered from his possession. The other co-accused person has already been granted bail by a Bench of this Court vide Cr. Misc. No. 36947



of 2024 under order dated 15.05.2024, annexed as Annexure-P/2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 28.03.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Biraul, Darbhanga in connection with Biraul P.S. Case No. 130 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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