

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51273 of 2024

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

Vinod Sharma, (Male), aged about 34 years, Son of Lakhan Sharma, Resident of village - Supaul Bazar, Police Station - Biraul, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2024 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 an 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 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 come from the crowd to burn the police station. The petitioner and the co-accused persons were identified through the video footage with the help of *Mahal Chaukidar*. The petitioner is alleged to have abused, attacked 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 there is general and omnibus allegation against the petitioner. The only allegation against the petitioner is that he was having flammable article in his hand, but no where the informant has stated that which sort of article was it which shows that the story is completely concocted. When the deceased died due to accident, met with the prisoner's van, villagers reached the police station campus and were demanding compensation to the dependents of the deceased on which they were maltreated by the police officials. The other



co-accused person Dharmendra Singh 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 bail petition. 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.-I, Benipur, Darbhanga in connection with Biraul P.S. Case No. 130 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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