

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65287 of 2024**

Arising Out of PS. Case No.-234 Year-2021 Thana- KALYANPUR District- East Champaran

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Bir Bahadur Prasad Son of Sheo Dev Prasad Resident of village- Bishunpur  
Dhir, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hemant Kumar Rai, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      01-10-2024                      Heard the parties.

2. The petitioner is apprehending arrest in connection with Kalyanpur P.S. Case No. 234 of 2021 instituted under Sections 171(F), 188, 307, 307 of the Indian Penal Code and section 9 of the Bihar Control of Loud Speaker Act, 1955 and 25(1-B)A, 27 of Arms Act lodged on 10.09.2021 by the informant, Baleshwar Prasad.

3. As per the prosecution story, the informant alleged that despite the Model Code of Conduct that was enforced in view of the Gram Panchayat Election, allegation is that the husband of the then 'Mukhiya' alongwith his supporters including the son of this petitioner were dancing in front of the



house of the petitioner under the influence of liquor and were also resorting to fire. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there is nothing to show that they were present in the said video, only thing that has come is the house of the petitioner, he has no role to play, do not have criminal antecedent and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that under the influence of wine, they were restoring to fire.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the petitioner do not have criminal antecedent, the FIR is there, he will be ultimately facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Kalyanpur P.S. Case No. 234 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, East Champaran, Motihari 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/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 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 his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 the 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 his bail bonds.

**(Rajiv Roy, J)**

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