

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83319 of 2024

Arising Out of PS. Case No.-302 Year-2024 Thana- DHAKA District- East Champaran

Obaidullah S/o- Mohammad Sagir Village- Ward no. 20, Near Choti Masjid,
Lahan Dhaka, P.S- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zaki Haider, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard Mr. Zaki Haider, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Dhaka P.S. Case No. 302 of 2024 for the offences punishable under Sections 191(2), 191(3), 190, 329(3), 324(4), 326(g), 115(2) 109, 132, 221, 121(1), 121(2) of BNS, lodged on 18.07.2024 by the informant, Dr. Sudhir Kr. Gupta

3. As per the prosecution story, the informant alleged that a dead person was brought to the hospital but when declared dead, they got enraged and started assaulting Doctors/Medical Staffs. They rushed to save themselves, in the meantime, the accused put the ambulance on fire. The Fire Brigade came but the said vehicle was also damaged. The identification of the accused has been made through video footage. This led to the FIR/arrest.



4. Learned counsel for the petitioner submits that he is an auto driver, was present at the wrong spot, got caught in the camera which led to his implication. Further, the criminal antecedent in para-3 relates to the same occurrence. The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.5,000/- to the Sub-Divisional Hospital, Sikrahana, Dhaka, East Champaran through its Deputy Superintendent for purchase of bed-sheets in the hospital.

5. Learned APP opposes the prayer submitting that the accused persons have been identified through video footage.

6. Taking into account the aforesaid, it is unfortunate that the public property which is purchased through the money that comes from direct/indirect taxes, they put the same to fire only because the patient was declared dead, in the process the entire hospital was damaged, even the Fire Brigade was not spared. However, a number of accused persons have been named, omnibus allegation is there, is in custody since 16.08.2024 (para-4 of the petition), in that background, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 5,000/- (Five thousand) through Bank draft issued by the local State Bank of India to the Sub-Divisional



Hospital, Sikrahana, Dhaka, East Champaran, for the purchase of bed-sheets in the hospital. A receipt thereof, has to be submitted before the Trial court, Sikrahana at Dhaka, East Champaran.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his 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 month for next six months to mark his 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 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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