

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6223 of 2024

Arising Out of PS. Case No.-217 Year-2018 Thana- BHELDI District- Saran

RAJESH SAH @ RAJESH KUMAR GUPTA @ RAJESH KUMAR SON OF
GANESH SAH RESIDENT OF VILLAGE- SAMASPURA, P.S.- BHELDI,
DISTRICT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bheldi P.S. Case No. 217 of 2018 for the offence under Sections 147, 148, 149, 341, 342, 323, 337, 338, 332, 333, 353, 304, 504 and 506 of the I.P.C. lodged on 01.07.2018 by the informant, Chattu Ram.

3. As per the prosecution story, the Tanker and the Bolero collided and as the Police was trying to remove the vehicle, when a Bus which was being rashly driven, came and after dashing the SHO, it collided with the tanker and stopped. Those sitting inside were also injured. As the Police was lifting the SHO and other injured for taking them to the Hospital, the mob came and started brick batting the police causing further injuries and delay



in taking the SHO to the Hospital who ultimately died. On the basis of the identification of the local chowkidar, the FIR, which included the petitioner.

4. Learned counsel for the petitioner submits that there are 36 named and 100 unknown accused persons, he being a passer-by have been implicated, had no role to play and further do not have any criminal antecedent. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submit that he is ready to pay Rs. 2,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that due to delay, the SHO could not be treated in time.

6. Though it is unfortunate that the mob creates chaos which ultimately resulted in shifting of the injured persons to the Hospital which proves fatal, as 36 named and 100 unnamed persons have been alleged to have created chaos in the FIR, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 2,000/- to the Chief Minister's Relief Fund, as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned CJM, Saran at Chapra in connection with Bheldi P.S. Case No. 217 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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;

(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.



8. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

