

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3256 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- PAUTHU District- Aurangabad

SURENDRA SHARMA S/O- BALESHWAR SHARMA R/O- VILLAGE-
SONVARSHA, P.S.- PAUTHU, DIST.- AURANGABAD, (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 149,
341, 342, 323, 324, 353, 337, 338, 307 and 504 of the Indian
Penal Code.

3. Learned A.P.P. files a counter affidavit duly sworn
by the SHO-cum-IO of the concerned police station which is
taken on record.

4. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and is aged about 75 years
and the informant, who is the police officer, alleges that while
patrolling he got an information that at Sonbarsa, a silver
coloured Eicher Tractor was going towards Bharpa road
carrying illegal sand. Accordingly, the informant reached at the



place of occurrence along with the police force but the accused persons managed to escape leaving the vehicle behind and when the sand laden tractor was being taken to the police station it is alleged that the accused persons including the petitioner came variously armed and assaulted the police force in which two constables got injured. It is next alleged that entire occurrence was videographed.

5. Learned counsel for the petitioner submits that no doubt the occurrence was videographed and the petitioner also stands captured in the videography but then he had not participated in the occurrence. It is further submitted that even in the videography which was done by the informant would amply reflects mere presence of the petitioner at the place of occurrence. It is next submitted that since petitioner resides at the place of occurrence as such on hearing commotion and ruckus he out of inquisitiveness came to the place of occurrence and might have been videographed but then it is not the case of the prosecution that petitioner in the videography was seen indulging in creating ruckus or assaulting the police force.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then from perusal of the counter affidavit also it appears that apart from the fact that



petitioner’s presence is there in the videography nothing more is alleged.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pauthu P.S. Case No. 80 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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