

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56816 of 2025

Arising Out of PS. Case No.-168 Year-2017 Thana- FATUA District- Patna

Raj Kishore Prasad S/O Rameshwar Singh R/O Bhikua presently residing at
Station Road, P.S- Fatuaha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravashankar Mishra, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Fatua P.S. Case No. 168 of 2017 for the offence under sections 147, 148, 149, 353, 337, 504 and 342 of the Indian Penal Code lodged on 16.05.2017 by the informant, Kapil Dev Ram.

3. As per the prosecution story, the informant alleged that one Pappu Yadav was shot dead by unknown criminal at Station Road, Fatua. In protest, the locals with the help of antisocial elements placed the dead body on the four lane road and completely blocked the said road. When the Police wanted to remove them, they resorted to stone throwing/brick batting. This led to the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that all the locals including the passers-by were implicated on the basis of video, he do have criminal antecedent but had no knowledge about him being implicated in the case. Upon knowledge, has taken recourse to the anticipatory bail and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he intends to contribute Rs. 5,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitting that post incident, the locals have the habit of creating troubles on the road and also take the law in their own hands causing problem not only to the Police but also to those innocent persons moving on the road.

6. The contention of the learned APP is correct, whenever a death takes place, either by road accident or by the criminal activity, though the locals do not act earlier when a speeding vehicle moves around them and/or someone is opening fire on an innocent person. However, once the incident/accident takes place, they come in numbers and take the law in their own hand. This has to be stopped as number of innocent persons/children/those who are moving on the highway gets



affected, sometimes even their wind screens stand smashed. However, in this case, number of persons have been rounded of, the petitioner is ready to cooperate in the investigation and face the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned trial Court.

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) with two sureties of like amount each to the satisfaction of learned JM, 1st Class, Patna City in connection with Fatua P.S. Case No. 168 of 2017 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/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 one year 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)

Adnan/-

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