

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72216 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Sarvjit Kumar @ Sarvjit Kumar Sah @ Sarvjeet Kumar S/o- Hira Sah R/o
Village- Balua Colony, Jhkhra, P.S. Piprakothi, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Pipra Kothi P.S. Case No. 187 of 2023 instituted under Sections 147, 341, 323, 332, 333, 353, 504, 506, 188 of the Indian Penal Code and section 3 and 4 of the Damage of Public Property Act lodged on 16.8.2023 by the informant, Sri Narayan Prasad Singh.

3. As per the prosecution story, the informant, who is a Police Officer alleged that keeping the dead body of one Ram Dayal Paswan in front of house of Kumod Sharma, the accused persons were protesting violently causing problem to the people in general. When they went to pacify, te scuffled with the police party. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he was passing through the area but was implicated in this case. He submits that some of the accused persons have been extended relief in Cr. Misc. No. 21421 of 2024 (Pujesh Paswan & Ors vs.



the State of Bihar). The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 2000/- to the Chief Minister's Relief Fund, Bihar

5. Learned APP opposes the prayer stating that in the garb of protest, the people moving on the road face the problem.

6. Though, the said kind of protest needs deprecation, in the present case, there is no injury to anybody, some of the co-accused have been extended relief, as stated above, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 2000/- to the Chief Minister's Relief Fund, Bihar

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 Pipra Kothi P.S. Case No. 187 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran 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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