

(2020) 11 PAT CK 0009

Patna High Court

Case No: Criminal Miscellaneous No. 25367 Of 2020

Baidnath Singh @ Baidhnath
Sharma

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Nov. 4, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 149, 283, 353, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Rajesh Kumar, Md. Arif

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the **â€˜APPâ€™**) for the State.

3. The petitioner apprehends arrest in connection with Mahua PS Case No. 127 of 2018 dated 29.05.2018, instituted under Sections 147, 149, 353, 504, 283 of the Indian Penal Code and 5/6 of the Essential Services Maintenance Act, 1968.

4. The allegation against the petitioner and seventeen named and seventy-five unknown persons is of blocking public road, claiming compensation for a she-buffalo which died due to electrocution and raising slogans against the administration.

5. Learned counsel for the petitioner submitted that the petitioner is 75 years of age and is an ex-military personnel. It was submitted that the petitioner has been falsely implicated as he had, in fact, helped in clearing the blockade upon request made by the BDO to do so, which is corroborated in the letter written by the concerned BDO to the Officer-in-charge of the concerned Police Station requesting for removing the name of the petitioner as an accused in the present case. It was further submitted that similarly situated twelve other co-accused have been granted anticipatory bail by a co-ordinate Bench by order dated 14.07.2020 in Cr. Misc. No. 15915 of 2020. Learned counsel submitted that the petitioner has no criminal antecedent.
6. Learned APP submitted that as per the allegation, the petitioner was also part of the crowd, which had blocked the road and raised slogans against the administration.
7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in Mahua PS Case No.127 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.
8. The application stands disposed off in the aforementioned terms.