

Court of the Sessions Judge, Araria,
B.P. no. 49 /2020
Saurabh Kumar Vs State.

22.01.2020

This bail petition filed on behalf of accused petitioners 1. Saurabh Kumar who is in custody since 20.12.2019 in connection with Araria(Bairgachhi) P.S. case no. 589/19 u/s 147, 149, 341, 323, 332, 353, 224, 225, 504, 115 I.P.C. pressed by their learned counsel Sri Md. Masood Alam, Advocate.

Heard both sides and perused the case record.

As per F.I.R. on 24.2.2019, 10 F.I.R. named accused persons including this accused petitioner alongwith 20-25 unknown persons scuffled with the police personnels and attacked on police vehicle and tried to set the apprehended accused Md. Meraj free from the clutches of police and they abused and scuffled with the police personnels and made obstruction in discharging the official duty.

The learned counsel for the accused petitioner while pressing the bail submitted that this accused petitioners has been falsely implicated in this case at the instance of his enemies and the allegations attributed against the accused are general and omnibus in nature. The learned counsel further submitted that this accused has no concern either with the accused Meraj or with the alleged offence. The learned counsel further submitted that the other co-accused persons of this case has been granted bail by the court below itself and this accused who has no criminal antecedent as been languishing in jail custody since 20.12.2019, hence this accused deserves to be released on bail.

The learned I/C P.P. opposed the bail.

It appears that there is no such specific or direct allegation has been attributed against this accused for using criminal force in discharging the official duty of the police rather the allegations are appearing general and omnibus in nature and other co-accused persons of this case have been granted bail by the court below itself and this accused who has no criminal antecedent has been languishing in jail custody since 20.12.2019, in such circumstances, this accused is directed to be released on bail on furnishing his bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the court below.

(Dictated)
sd/-
Sessions Judge I/C