

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46162 of 2015

Arising Out of PS.Case No. -102 Year- 2015 Thana -BAKHRI District- BEGUSARAI

1. Amit Kumar Deo
2. Rahul Kumar Deo, Both s/o Anil Kumar Deo,
3. Samir Kumar Deo, S/o Late Brahamdeo Poddar,
All residents of village - Parihara, P.S. - Bakhri (Parihara O.P.), District - Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. Yogendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-10-2015 Heard Sri Rai Mukesh Sharma, learned counsel for the petitioners and Sri Yogendra Kumar, learned Addl. Public Prosecutor.

Three petitioners, apprehending their arrest in connection with Bakhari P.S. Case no.102 of 2015 registered for the offence under Section 307 and other allied Sections of the Indian Penal Code, have prayed for grant of anticipatory bail.

Learned counsel for the petitioners submits that in this case, F.I.R. was lodged on the basis of fardbeyan of one Kavita Chaudhary, in which she had alleged that all the three petitioners with some police officials had entered into her house and forcefully taken away her son, namely, Vivekanand. It was also



alleged that her son was brutally assaulted by accused persons including the petitioners. It has been argued that the present case was lodged on 23.04.2015 on allegation that on 21.04.2015 such occurrence had taken place, whereas fact remains that on 21.04.2015 on the basis of fardbeyan of petitioner no.1, an F.I.R. was lodged vide Bakhari P.S. Case no.101 of 2015 for the offence under Sections 307 and other allied Sections of the Indian Penal Code and 27 of the Arms Act. The F.I.R. was lodged on the basis of written information given by petition no.1 to the Station House Officer, Bakhari, while petitioner had received fire-arm injury on his chest. The said F.I.R. has been brought on record as Annexure-2 to the petition.

Sri Rai, learned counsel for the petitioners has placed reliance on Annexure-4 to the present petition, which is a photocopy of arrest memo in respect of Viveka Nand Chaudhary, which was prepared on 21.04.2015. He submits that once son of the informant of the present case was already arrested by the police, there was no question of kidnapping of son of the informant. He submits that on perusal of Annexures-1 , 2 and 4 of the present petition, it is evident that the case is completely false.

Be that as it may, without recording any opinion on the merit of the case, the Court is of the opinion that it is a fit

case for extending the privilege of anticipatory bail. Let the petitioners (i) Amit Kumar Deo (ii) Rahul Kumar Deo and (iii) Samir Kumar Deo, in the event of their arrest or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rameshwar Mishra, learned Judicial Magistrate, 1st Class, Begusarai in connection with Bakhri P.S. Case no.102 of 2015, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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