

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36086 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -KOTWALI District- PATNA

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Anant Singh @ Anant Kumar Singh Son of Late Chandradeep Singh
Resident of village - Nadawan (Ladma), P.S. Barh, District Patna. At
Present 1 - Mal Road, P.S. Sachiwalaya, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ansul, Adv. Mr. Anuj Kumar, Adv. Mr. Nabin Kumar, Adv.
For the State		Mr. Surya Deo Yadav, AAG.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

C.A.V. ORDER

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| 8 | 06-10-2016 | 1. Today record is put up for passing order. |
| | | 2. I have already heard all the concerned parties. |
| | | 3. Petitioner is in jail custody since 25.05.2016 in
Kotwali P.S. Case No. 23 of 2016 registered under Sections 147,
149, 452, 379, 387, 120B of the Indian Penal Code and prior to
remand in the present case, he was sent to judicial custody on
14.06.2015 in Bihta P.S. Case No. 859 of 2014. |
| | | 4. According to prosecution case, altogether 15
persons having armed with firearms came to the house of |



informant, who having got aforesaid information reached at his home and seeing the informant, the above stated persons became furious and started abusing the informant. The aforesaid persons having broken the lock of house took the informant inside the house on the point of revolver and ransacked the belongings of the house. The aforesaid persons got loaded the belongings of the house on a vehicle and left the house. The informant claims that above stated persons committed the occurrence at the direction of petitioner who was accused in a case in which the informant had been opposing his bail prayer before the court. Further informant claims that prior to the alleged occurrence, similar type of occurrence had been committed by the accused persons for which Kotwali P.S. Case No. 207 of 2015 had been lodged. The informant further claims that petitioner and his associates had earlier threatened the tenant of the informant for which he had given petitions to Hon'ble the Chief Minister of Bihar, District Magistrate, Patna as well as Senior Superintendent of Police, Patna and had demanded security.

5. Learned counsel appearing for the petitioner submits that there was land dispute and as a matter of fact, the co-parcenors of the informant had given their lands in favour of some co-accused persons for construction of commercial



complex over the premises in question and as a matter of fact, the co-accused persons had gone on the said premises in respect of their construction work but since the informant is an Advocate and had been opposing bail petition of the petitioner in a criminal case, the informant clubbed both the above stated incident together at the behest of political rivals of the petitioner. It is further submitted that F.I.R. named accused, against whom, there is allegation that they committed loot of belongings of informant's house, have already been granted privilege of anticipatory bail by a co-ordinate Bench of this Court. It is further submitted that according to prosecution case itself, petitioner was not present on the place of occurrence when the alleged occurrence took place and he was languishing in jail custody in connection with another criminal case. It is further submitted that no doubt, petitioner does have criminal antecedent but he has already been granted privilege of bail in almost all the cases, barring few cases. It is further submitted that due to error committed by the typist, some criminal antecedent of the petitioner was left to be typed in Para-3 of the petition but subsequently, when the aforesaid fact was highlighted by the prosecution, the petitioner immediately filed supplementary affidavit bringing his criminal antecedent on record.



6. On the other hand, learned counsel appearing for the informant opposed the prayer submitting that petitioner is a hardened criminal and as a matter of fact, more than sixty criminal cases had been lodged against the petitioner but initially he made attempt to suppress his criminal antecedent and when the aforesaid fact was brought to the notice of the court, the petitioner filed supplementary affidavit disclosing his criminal antecedent. It is further submitted that in several cases the Apex Court of this country has already held that the habitual offenders should not be granted bail. It is further submitted that petitioner had not only threatened the informant of the present case but he had also threatened the higher officials, who have lodged cases against the petitioner and in course of investigation, the call details of the petitioner was collected and the allegation was found true. It is also pointed out on behalf of the informant that F.I.R. named accused Kartikey Kumar is closely related to the petitioner and the aforesaid fact goes to show that present occurrence took place at the direction of the petitioner.

7. Mr. Surya Deo Yadav, learned A.A.G. appearing for the State seconded the aforesaid submission of learned counsel for the informant submitting that petitioner does have several cases in his discredit and if he is released on bail, the fair

trial is not possible and, therefore, petitioner should not be released on bail.

8. Having heard the contentions of all the parties, I went through the record. It is an admitted position that petitioner was languishing in jail custody when the occurrence of present case took place. It is also an admitted position that F.I.R. named accused, Ashish Kumar Halder, Sushil Kumar Pansari and Kartikey Kumar, against whom there was allegation that they had participated in the alleged occurrence, have already been granted privilege of anticipatory bail. No doubt, petitioner does have criminal antecedent of several cases but admittedly, in almost all the cases, except few, petitioner has already been either acquitted or granted privilege of bail by different courts. In the present case, there is only allegation of conspiracy against the petitioner and admittedly, he was not physically present on the place of occurrence and, therefore, in my view, petitioner deserves the privilege of bail in the present case.

9. Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in

connection with Kotwali P.S. Case No. 23 of 2016, subject to condition that any attempt made by the petitioner or on his behalf to terrorize the prosecution witnesses or to tamper with prosecution evidence shall give liberty to court below to cancel the bail bonds of the petitioner after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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