

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52103 of 2016

Arising Out of PS.Case No. -861 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

=====

1. Balanand @ Nagendra Kumar @ Balanand Kumar son of Satyanand
Diwakar @ Baliram Singh
2. Dharmendra Kumar son of Satyanand Diwakar @ Baliram Singh
3. Binod Kumar son of Mahesh Yadav
All residents of village - Jiwan Bigha, P.S. - Paras Bigha, District -
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Yadav son of Sri Girja Yadav resident of village - Jivan Bigha,
P.S. - Parasbigha, District - Jehanabad.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Counsel
Mr. Alok Ranjan

For the Opposite Party/s : Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 22-12-2016 Heard Sri Rajendra Narayan, learned senior counsel
assisted by Sri Alok Ranjan , learned counsel for the petitioners
and learned Additional Public Prosecutor .

Three petitioners, apprehending their arrest in



Complaint Case No. 861 (C) of 2015 for the offence under Section 147, 148, 149, 323, 354, 380 and 427 of the Indian Penal Code have prayed for grant of bail in the event of their arrest or surrender.

Learned senior counsel for the petitioners submits that due to land dispute the complainant side is habitually filing frivolous cases against the petitioners. By way of referring to Annexure-‘7’ series to the present petition it has been argued that earlier also an F.I.R. vide Paras Bigha P.S. Case No. 88 of 2015 was registered against the petitioners and others for offences under Section 147, 148, 149, 323, 325, 307, 504, 354, 379, 427 of the Indian Penal Code . In the F.I.R. all the three petitioner were arrayed as accused, besides other accused persons. However, during investigation accusation against the petitioners was found un-true and as such , final report was submitted vide Charge Sheet No. 07 of 2016 dated 30.01.2016. It has also been argued that petitioner no. 1 is in Indo Tibetan Border Police and he was not at all present as alleged in the complaint petition rather he was on duty.

Keeping in view the fact that earlier also petitioners were made accused in an F.I.R. and during statutory investigation they were found innocent and the present case has been proceeded



on the basis of complaint, there is no reason to deny the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid three petitioner Balanand @ Nagendra Kumar @ Balanand Kumar, Dharmendra Kumar, Binod Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sri R.K. Rajak, A.C.J.M., Jehanabad / concerned court in connection with Complaint Case No. 861 (C) of 2015 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--

