

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2355 of 2018

Arising Out of PS.Case No. -238 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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1. Balendra Kumar Prasad @ Balendra Thekedar, son of Alakhdeo Singh,
resident of Mohalla- Kamal Deo Sharma, Asha Co-operative, Road No.-
15, Rajeev Nagar, Police Station- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Rajiv Nagar P.S.**

Case No.238 of 2017 instituted for the offence under Section(s)
307 and other allied sections of the Indian Penal Code and
Section 27 of the Arms Act.

It has been submitted that there is general and
omnibus allegation against the petitioner that he was also one of
the members of the unlawful assembly.

In the written report, it is alleged that the informant
along with other police officials went for measurement of land at
Rajeev Nagar where illegal boundary wall was raised on the land
of Bihar State Housing Board, which was to be demolished, and



the plot was to be handed over to CBSE Board and Videsh Bhawan (Passport Office), in compliance of the direction of the District Magistrate, Patna, and the work was going on peacefully, but in the meantime rumour was spread that acquired land of the Bihar State Housing Board is to be vacated and, therefore, mob assembled and became violent. They started blocking the road and putting fire on tyre. As such, there is general and omnibus allegation.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Rajiv Nagar P.S. Case No.238 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-III, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will



automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

JA/-

(Sanjay Priya, J)

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