

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43502 of 2018

Arising Out of PS. Case No.-45 Year-2007 Thana- DUMARIA District- Gaya

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Anil Chandravanshi @ Anil Kumar Chandravanshi @ Anil Kumar, Son of
Ramshrup Chandravanshi, Resident of Village- Kolsaita, P.S. Dumariya,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-07-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 342, 427, 435, 379 and 307 of the IPC.

The prosecution case, as per the Fardbeyan of Binod Yadav recorded by SHO, Dumaria Police Station on 02.12.2007 at 8.30 P.M., is to the effect that on 01.12.2007 between 7.00 to 8.00 P.M., the informant along with his family was at his house, when 40-50 extremists came and locked the informant and his family in his house. On protest being made, they assaulted the informant. They also raised slogans in favour of MCC, a banned extremists organization. They brought 20-25 tractors and got loaded the paddy and bundles of the crop of the petitioner. They also put crops of



several villagers on fire.

It is submitted by learned counsel for the petitioner that FIR was registered on 02.12.2007 against 40-50 unknown persons, but the statement has been made in paragraph 8 of the petition that the requisition for issuance of warrant was submitted before the learned Court below on 08.08.2017. Paragraph 8 of the petition reads as follows:

“That it is humbly stated and submitted that the petitioner has not been named in the alleged F.I.R. and after about 10 years the requisition dated 08.08.2017 by the police Sub Inspector, Dumaria P.S. Gaya has been taken against 7th persons including the petitioner and pray to S.D.J.M., Sherghati, Gaya to issue warrant of arrest against them.”

It is further submitted that the name of the petitioner sprang up in the confessional statement of co-accused Manoj Bhuian, who has already been granted bail by a Bench of this Court vide Cr. Misc. No.33578 of 2010. Statement has been made in paragraph 3 of the petition that petitioner is not having any criminal antecedent. The impugned order suggests that the investigation is still pending.

Learned APP submits that the name of the petitioner sprang up in the confessional statement of co-accused. From the impugned order, it appears that learned Session Judge has rejected the prayer



of the petitioner on perusal of case diary, and came to a conclusion that the name of the petitioner cropped up in the confessional statement of Manoj Bhuian though the date of such statement being recorded has not been mentioned.

Keeping in view the fact that the requisition for issuance of warrant has been issued after ten years of registration of the FIR, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sherghati at Gaya in connection with Dumaria P.S. Case No. 45 of 2007 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned Court below on filing affidavit that the petitioner will regularly cooperate in the investigation.

(Dinesh Kumar Singh, J)

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