

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27957 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- SARMERA District- Nalanda

MUNNA KUMAR @ MANOJ PRASAD @ MUNNA Son of Mahendra Prasad, Resident of Village-Khojkipur, Police Station-Sermera, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Adv. Mr.Dr. Ajeet Kumar
For the Opposite Party/s :		Mr. Akshay Lal Pandit
For the informant	:	Mr. Raj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 14-08-2019 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sermera Police Station Case No. 31 of 2019, disclosing offences under Sections 341/323/307/385/387/504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the construction work of Sarmera-Mokama road was going on under the Prime Minister Gramin Sarak Yojana and the construction was at its fag end. It has been alleged that the petitioner, who is the husband of the local Mukhiya, demanded Rs. 5,00,000/- as *rangdari* from the



informant and due to non-payment of the same, the petitioner along with others came at the site of the informant and made indiscriminate firing to the extent of around 50 rounds.

Learned Senior Counsel for the petitioner submits that the petitioner, having no criminal antecedent, has falsely been implicated in this case due to political rivalry inasmuch as the wife of the petitioner is the local Mukhiya and the petitioner had protested about the use of sub-standard materials by the contractor in the construction of the road. He further submits that the allegation is of firing of about 50 rounds, but the police recovered only 6 used cartridges from the place of occurrence.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that all the witnesses have supported the prosecution case and used cartridges have been recovered from the place of occurrence.

After having heard learned Counsel for the parties and taking into consideration the fact that no injury has been caused in course of indiscriminate firing by the petitioner and there is allegation of firing of 50 rounds, but the police recovered only 6 used cartridges from the place of occurrence and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this



application is allowed.

Let the petitioner, Munna Kumar @ Manoj Prasad @ Munna, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Nalanda, at Biharsharif, in connection with Sermera Police Station Case No. 31 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

