

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69328 of 2019

Arising Out of PS. Case No.-217 Year-2017 Thana- KAUWAKOL District- Nawada

1. Vijay Lal @ Vijay Kumar Son of Late Nageshwar Lal Resident of Village - Kawakole, P.S.- Kawakole, Distt.- Nawada.
2. Vikash Kumar @ Prahlad Kumar Son of Vijay Lal @ Vijay Kumar Resident of Village - Kawakole, P.S.- Kawakole, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-11-2019 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kawakole PS case no. 217 of 2017 registered for the offences punishable under Sections 307, 379 and other sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having demanded Rs. 1 lac as extortion money from the informant about one month prior to the date of actual incident pertaining to the present case and upon refusal thereof, the accused persons again arrived at the shop of the petitioner on 25.11.2017 at about 7.30 pm and again,



had demanded extortion money of Rs. 1 lac and when the informant had refused, they had assaulted the informant and his father resulting in grievous injuries to them.

The learned counsel for the petitioners submits that the main accused namely Akash Kumar, who had assaulted the informant with iron rod, has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.04.2018 passed in Cr. Misc. no. 17951 of 2018. It is further submitted that though the incident had taken place on 25.11.2017 but the FIR has been lodged belatedly on 02.12.2017. It is further submitted that the petitioners are having clean antecedents and are ready to join investigation. Lastly, it is submitted that the fact of the matter is that the petitioner had initially lodged an FIR against the prosecution party bearing Kawakole PS case no. 216 of 2017 (Annexure-2) dated 02.12.2017 and thereafter, the present Kawakole PS case no. 217 of 2017 i.e. the present case has been lodged. It is further submitted by the learned counsel for the petitioners that the petitioners have not been declared absconder by the learned court below.

Having regard to the facts and circumstance of the case, I deem it fit and appropriate to admit the petitioners to the



privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., IV, Nawada in connection with Kawakole PS case no. 217 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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