

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14682 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- ATHMALGOLA District- Patna

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KALU RAY Son of-Karu Ray Resident of Village - Budhra, P.S. -
Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Jogendra Kumar, Adv.

For the Opposite Party : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-09-2020 Heard the learned counsel for the petitioner
and Sri Chandra Bhushan Prasad, the learned APP
for the State.

This is an application for grant of anticipatory
bail in connection with Athmalgola P.S. Case No.
172 of 2019 registered for the offence punishable
under Sections 341, 323, 325, 307, 385, 379, 504,
506, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The allegation is regarding the accused
persons including the petitioner herein having
arrived at the place where work was being carried
out by the contractor and his employees



whereupon they had told to stop the work as also had demanded extortion money to the tune of Rs. 50,000/-. It is further alleged that at about 11:00 PM. in the night, when the informant had gone for bringing diesel and had reached near Athmalgola police station, the accused persons had surrounded him, whereafter the co-accused person, namely, Chhotu Rai had fired from his pistol on the informant, but he was not hit, whereupon the other accused persons had also fired gunshots and assaulted the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled as far as the petitioner is concerned.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by



the learned counsel for the petitioner and taking into account the materials available in the case diary, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh in connection with Athmalgola P.S. Case No. 172 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the



anticipatory bail shall stand cancelled
automatically.

(Mohit Kumar Shah, J)

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