

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20875 of 2020**

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Ashok Kumar Singh @ Raju Singh, son of Late Lakshmeshwar Singh @
Nunu Babu, resident of Mohalla-Akharaghat, P.S.-Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Y.C. Verma, Sr. Adv.
Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioner undertakes to remove

all the defects within three weeks after start of normal functioning of

the Court.

Heard learned Senior Counsel for the petitioner and Mr.

Prem Kumar Jha, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in

connection with Ahiyapur P.S. Case No.316/2020 registered for the

offences under Sections 307, 387 and 506/34 of the Indian Penal

Code.

Learned Senior Counsel for the petitioner submits that

from the first information report itself it will appear that this

petitioner was not present on the spot when the alleged occurrence

took place and it would further appear from the material available on

the record that this petitioner being adjoining raiyat of the informant



is having land dispute and 144 Cr.P.C. proceeding was initiated earlier because of that. It is further submitted that the only reason for which the petitioner has been made accused is that those who had allegedly went on the spot had disclosed that they are henchmen of this petitioner. It is submitted that this petitioner has no criminal antecedent and this fact is duly stated in paragraph '3' of this application.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that if this is the only allegation against the petitioner then how he got apprehension of arrest and that the petitioner has not disclosed as to how and what has transpired against him.

Having regard to the facts and circumstances of the case wherein on perusal of the first information report itself it would appear that the petitioner was not present on the spot, petitioner has no criminal antecedent and no doubt the only allegation against him is that the co-accused who went on the spot allegedly took the name of this petitioner, in the present case petitioner is being prosecuted with aid of Section 34 of the I.P.C. and finding that he has no criminal antecedent, this court is inclined to grant privilege of anticipatory bail to the petitioner, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Ahiyapur P.S. Case No.316/2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty



five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

