

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21512 of 2020

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1. Vinay Patel @ Vinay Kumar Patel
 2. Brajesh Patel @ Choupali Patel @ Brajesh Kumar Patel
Both are sons of Late Kaleshwar Mandal
 3. Tunka Mandal, son of Jageshwar Mandal
All are resident of Village-Rasalpur, P.S.-Rasalpur, District-Bhagalpur.
 4. Pawan Kumar @ Sourabh Kumar son of Kishori Mandal, resident of village-Nanokhar, P.S.-Sanhaulla, District-Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

.. .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Advocate
Mr. Mirtunjay Kumar Mishra, Advocate
For the Respondent State: Mr. R.B. Roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-08-2020 Heard Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. R.B. Roy 'Raman', learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Kahalgaon (Rasalpur) P.S. Case No. 190 of 2020, registered for the offence punishable under Sections 147, 148, 149, 323, 504, 307, 379, 384, 354(B) of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the First Information Report that these petitioners with co-accused Shivdani Patel were demanding extortion money from the informant, who was engaged in execution of some civil work. Allegedly, all of them started



indiscriminate firing in order to kill the informant and others. There is allegation of assaulting one Pappu Mandal and snatching from his pocket a sum of Rs. 50,000/-.

Learned counsel appearing on behalf of the petitioners has submitted that for an occurrence, said to have taken place on the same day, time and place, as alleged in the First Information Report, a counter case has been registered by co-accused Shivdani Patel, giving rise to Kahalgaon (Rasalpur) P.S. Case No. 191 of 2020. He has submitted, with reference to statement made in the application, that no person has received any firearm injury. He has contended that these petitioners have been implicated only because they are relatives of co-accused Shivdani Patel with whom the informant had some kind of enmity. The petitioners have no criminal antecedent as stated in the application.

Considering the above submission, particularly as there is no specific allegation against these petitioners and none has received any firearm injury, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur,



in Kahalgaon (Rasalpur) P.S. Case No. 190 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.



(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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