

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27027 of 2020

Arising Out of PS. Case No.-249 Year-2019 Thana- DARBHANGA District- Darbhanga

ANANT KUMAR @ KANHAIYA PURBEY Son of Naresh Purbey @
Naresh Purve Resident of Village - Saifullahganj, P.S.- Lalit Narayan Mithila
University, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-11-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Binod Kumar APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Darbhanga Town PS Case No. 249 of 2019 registered under Sections 341, 323, 307, 506/34 of the IPC and Sections 25 (1-b)1/26/35 of the Arms Act.

Prosecution case is that some altercation is going on since ten – fifteen days back between the informant and other co-accused persons. On the fateful day it is alleged that three persons (co-accused) have gone to assault. Two have fled away and one has been



apprehended with a fire arm.

Learned Counsel for the petitioner submits that even as per FIR the apprehended person has allegedly stated about the petitioner and another co-accused Pappu Thakur giving the weapon to him. It is nobody's case that the petitioner was part of the assembly which had gone for the assault. Other than statement of co-accused which has no evidentiary value there is no recovery of any incriminating material nor anything has come in course of investigation to suggest petitioner's participation in the assault. The assault is attributed to other co-accused persons. The petitioner has no criminal antecedent. It is submitted that his implication is on extraneous consideration.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Darbhanga in Darbhanga Town PS Case No. 249 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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