

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27453 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- DULHIN BAZAR District- Patna

1. AMRENDRA KUMAR @ GHALTI @ GHOLTI Son of Late Kishun Chand Nehru Resident of Village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna.
2. Teej Kumar @ Teej Kumar Verma @ Tiju Kumar Son of Late Kishun Chand Nehru Resident of Village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Lakshmi Kant Sharma, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioners and learned



APP for the State .

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Dulhin Bazar P. S. Case no. 23 of 2020 instituted for the offence under Sections 341, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation, as per prosecution case, is that accused persons have come with deadly weapons and started abusing and assaulting by various means.

The counsel for the petitioners submits that petitioner no.1 is alleged to have exhorted petitioner no.2 for firing. The firing, even as per prosecution case, has not resulted in any injury on any person. The co-accused, namely, Jay Prakash, against whom, there was allegation of exhorting has been allowed bail in Cr. Misc. no. 23115 of 2020. The petitioners have been implicated in a false case on extraneous consideration due to subsisting dispute regarding passage. It is submitted that falsity is evident from the sequence of events. Though allegation is of 02.02.2020, the F.I.R. has been lodged on 03.02.2020 and



received in Court on 07.02.2020. The petitioners, as per averments made in the bail application, have no criminal antecedents.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of JM 1st Class Danapur Dist. Patna in connection with Dulhin Bazar P. S. Case No. 23 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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