

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28877 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- BALTHAR District- West Champaran

1. AJAY PRASAD S/o Yugal Prasad R/o Village- Bhauri, P.S.- Balthar, District- West Champaran.
2. Golu Kumar @ Golu Prasad S/o Ramesh Prasad R/o Village- Bhauri, P.S.- Balthar, District- West Champaran.
3. Akash Kumar S/o Ajay Prasad R/o Village- Bhauri, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Balthar Police Station Case No. 33 of 2020, disclosing offences under Sections 341/342/323/353/ 224/225/420/504/506 of the Indian Penal Code.

The prosecution case, as per the First Information Report lodged by the Chowkidar of Balthar Police Station, is that while the informant, along with three other Chowkidars, was going on motorcycle after arresting an accused of Balthar



Police Station Case No. 20 of 2020, Ramjee Mahto, and when they reached near Bhourri village, six persons, including the petitioners freed the accused Ramjee Mahto from the custody of the informant.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case by the police with oblique motive inasmuch as the First Information Report has been registered on 22.04.2020, but the same has been transmitted to the learned Court below on 04.06.2020, i.e. after a delay of 42 days without any explanation, which creates doubt over the veracity of the contents of the First Information Report. He further submits that the petitioner no. 3, on 23.04.2020, has informed the Superintendent of Police, West Champaran, at Bettiah, that the petitioner no. 3 was going to his house from Sikti market having rice bag and vegetables along with him and when he reached near a welding workshop, four persons stopped him disclosing themselves as the police personnel and demanded the papers of the purchased items and the motorcycle, on which the petitioner no. 3 showed them the papers regarding the motorcycle and told them that the receipt of the purchased items have not been given to him by the shopkeepers then they demanded a sum of Rs. 1500/-, and when



the petitioner no. 3 protested, local people gathered there and exchange of hot words took place, after which the present First Information Report has been lodged by the police personnel on the basis of false and concocted allegation. He further submits that the petitioners are not accused in Balthar Police Station Case No. 20 of 2020. He further submits that the petitioners have got no criminal antecedent

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six 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 learned 4th Additional Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Balthar Police Station Case No. 33 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail



bonds, all the parties shall follow the guidelines regarding social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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