

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 85028 of 2019

Arising Out of PS. Case No.-56 Year-2016 Thana- MEHANDIGANJ District- Patna

OM PRAKASH KUMAR @ OM PRAKASH Son of Parmanand Mahto
Resident of Village-Pani Tanki Mehandiganj, Patna City, P.S.-Mehandiganj,
District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 07-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with
Mehandiganj Police Station (for brevity, *PS*) Case No 56 of
2016 dated 22.07.2016 instituted for the offence punishable
under Section(s) 147, 148, 149, 323, 324, 307, 452, 427, 380
354 of Indian Penal Code.

Prosecution case alleges that the petitioner along with 11
other persons have ransacked the shop of the informant and
even assaulted the informant, his wife and his family members.
There is allegation of misbehaviour with the wife of the
informant against all the petitioners. It is submitted by the
petitioner's counsel that there is subsisting dispute regarding



shops located in the same line and since the informant has encroached upon public land and objection was being raised by the petitioner, in fact they were also assaulted by the informant. In this connection, petitioners have also lodged an FIR on the same day against the informant of this case and his family. The same is Mehandiganj PS Case No 57 of 2016. Other co-accused, namely, Sujit Kumar, Bishwajeet @ Boss and Pramanand Mahto have also been allowed anticipatory bail in Cr Misc No 5156 of 2018. This Court, while granting bail to the said petitioners have considered the fact that neither the informant nor his wife received any injury. Even the son Vikas Kumar was not found to be having any injury and in spite of being referred to Nalanda Medical College & Hospital, he did not go for x-ray. The claim is also based on parity with the said accused persons who have been allowed anticipatory bail by this Court.

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

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released



on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Patna City, Patna in connection with Mehandiganj PS Case No 56 of 2016 dated 22.07.2016 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and 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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