

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13416 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- RAHUI District- Nalanda

1. RAKESH PRASAD Son of Kapil Prasad Resident of Village - Murgiyachak, Bena, P.S.- Rahui, DIstt.- Nalanda.
2. Suresh Prasad Son of Late Bengali Mahto Resident of Village - Murgiyachak, Bena, P.S.- Rahui, DIstt.- Nalanda.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Ms. Priya Gupta, Advocate.
For the State	:	Mrs. Sharda Kumari, A.P.P.
For the Informant	:	Dr. Anshuman, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 14-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 18.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Rakesh Prasad, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Rakesh Prasad, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Rakesh Prasad.



Permission is accorded.

This application, in respect of the petitioner no.1, namely, Rakesh Prasad, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Suresh Prasad, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Suresh Prasad, and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner no.2, namely, Suresh Prasad, apprehends his arrest in connection with Rahui P.S. Case No.32 of 2020/G.R. No.718 of 2020 registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that the informant Rajendra Prasad had leased out 1 Bigaha 7 Katha land for cultivation. In the evening of 10.02.2020, the informant was called at the 'Khatal' of buffalo to take the money. When the informant reached there, then saw Birendra Prasad, Suresh Prasad (petitioner no.2), Rakesh Prasad, Lalsa Yadav, Sujeet Kumar along with four unknown present there. When the informant demanded the money, then all attacked at him due to which he sustained injury in his left eye and they started to cause assault to him after closing the gate. Anyhow, Yashwant Kumar and Prempal Kumar, both sons of the informant, carried the informant from there. At that time, Sujeet Kumar, Ex-Mukhiya, gave



threatening of dire consequences to the informant.

Learned counsel for the petitioner no.2, namely, Suresh Prasad, submits that while the petitioner no.2, namely, Suresh Prasad, is named in the F.I.R. along with others but no specific overt act is attributed to him. The petitioner no.2, namely, Suresh Prasad, has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Suresh Prasad, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Rahui P.S. Case No.32 of 2020/G.R. No.718 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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