

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16597 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- BODHGAYA District- Gaya

1. OM BHARTI Jai Ram Giri Assistant (Chela), R/o- Bodh Gaya Math, P.S. - Bodh Gaya, District - Gaya.
2. Ravi Shankar S/o Manoj Kumar R/o- Bodh Gaya Math, P.S. - Bodh Gaya, District - Gaya.
3. Mahendra Yadav @ Mahendra Prasad S/o- Basudev Yadav R/o village-Basathi, P.S. - Bodh Gaya, District - Gaya.
4. Pintoo Yadav S/O- Preman Yadav R/o village-Pachatta, P.S. - Bodh Gaya, District - Gaya.
5. Kundan Singh S/O - Suresh Singh R/o- Bodh Gaya, P.S. - Bodh Gaya, District - Gaya.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Rajeev Kumar Singh, Advocate.
For the State	:	Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-03-2021 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 26.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course, he is permitted to remove the same accordingly.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1,



namely, Om Bharti, and the petitioner no.3, namely, Mahendra Yadav alias Mahendra Prasad, have already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Om Bharti, and the petitioner no.3, namely, Mahendra Yadav alias Mahendra Prasad, to grant them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Om Bharti, and the petitioner no.3, namely, Mahendra Yadav alias Mahendra Prasad.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Om Bharti, and the petitioner no.3, namely, Mahendra Yadav alias Mahendra Prasad, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.2, 4 and 5, above named, to grant them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.2, 4 and 5, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.2, 4 and 5, above named, apprehend their arrest in connection with Bodh Gaya P.S. Case No.187 of 2020 registered under Sections 341, 323, 306 and



504/34 of the Indian Penal Code.

The accusation is that Md. Rafique, the husband of the informant Sahanaz Khatoon, was running the sweetmeat shop on rent in the premises of Bodh Gaya Math. On 03.06.2020, when the husband of the informant was at his shop, at that time, Om Bharti, Ravi Shankar (petitioner no.2), Pintoo Yadav (petitioner no.4), Mahendra Yadav and Kundan Singh (petitioner no.5) came there, started to abuse, take him outside of the shop and the petitioner no.2 locked the shop, saying him to meet at the Math. Thereafter, the husband and Md. Afzal Alam Guddu, the son of the informant, went at Math, where they were abused and demand of Rs.3,00,000/- was made by them saying that unless Rs.3,00,000/- is not paid, the sweetmeat shop shall remain locked and the shop will be handed over to some other person. While the husband and the son of the informant made request but they did not pay any heed and dashed them. On returning from there to the house, the husband of the informant remained in anxiety due to lock of the shop as the said shop was only the source of income for their livelihood. On 04.06.2020, after taking the dinner, the husband of the informant went to sleep at the house but in the morning, the informant received information about hanging of the dead body



of her husband from the roof.

Learned counsel for the petitioner nos.2, 4 and 5, above named, submits that, in fact, the deceased, the husband of the informant, had encroached the land of Bodh Gaya Math on which he was running the sweetmeat shop with his brother. When the dispute arose in between the deceased, the husband of the informant, and his brother, then the shop was partitioned and the same was bifurcated in two parts but even then the dispute in between them did not resolve, due to that reason, the deceased, the husband of the informant, might have committed suicide. Further submission is that other persons have also encroached the land of Bodh Gaya Math and on their instigation, the informant has lodged the present case so that they may not be asked to vacate the land. Further submission is that the petitioner no.2 is accused in two other cases in which he is on police bail, petitioner no.4 has no criminal antecedent and the petitioner no.5 is accused in one case in which he is on police bail, which would appear from paragraph-3 to this application.

Having considered the facts and the circumstances of the case, let the petitioner nos.2, 4 and 5, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of



Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No.187 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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