

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17105 of 2020

Arising Out of PS. Case No.-144 Year-2019 Thana- MORKAHI District- Khagaria

1. RAMANAND SADA Son of Dhaneshwar Sada Resident of Village-Chatar Ghat, Kargil Tola, P.S.-Morkahi, District-Khagaria.
2. Dhaneshwar Sada Son of Late Ramkhelawan Sinha Resident of Village-Chatar Ghat, Kargil Tola, P.S.-Morkahi, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amitabh Sohan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-01-2021 Heard the learned counsel for the petitioners and
Sri Pradeep Narayan Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Khagaria Morkahi PS case no. 144 of 2019 registered for the offences punishable under Sections 307, 386 and other allied sections of Indian Penal Code and 27 of Arms Act.

At the outset, the learned counsel for the petitioners, in presence of learned APP for the State, seeks to withdraw the present petition *qua* the petitioner no. 1 in order to enable him to surrender before the learned court below and seek regular bail.



Accordingly, the present petition *qua* the petitioner no. 1 stands dismissed as not pressed, however with the aforesaid liberty.

The allegation is regarding the petitioners and other accused persons having arrived at the field of the informant and having demanded a sum of Rs. 50, 000/- by way of extortion money in order to allow the members of the prosecution party to work in the field and when the informant had protested, the petitioner no. 1 had fired from his pistol which had hit the informant's shoulder and thereafter, the petitioner no. 1 had also assaulted the informant with *lathi*.

The learned counsel for the petitioners has submitted that the petitioner no. 2 is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that as far as petitioner no. 2 is concerned, there is no allegation of him having fired or assaulted the informant, hence this Court may consider granting privilege of anticipatory bail to the petitioner no. 2.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also taking into account the fact that no allegation of any sort of overt act has been levelled *qua* the petitioner no. 2, I deem it fit and appropriate to admit the petitioner no. 2 to the privilege of anticipatory bail. Accordingly, the petitioner no. 2, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria in connection with Khagaria Morkahi PS case no. 144 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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