

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31013 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- DHANKUND District- Banka

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1. Suraj @ Suraj Bhan Singh, male, aged about 32 years, Son of Kapil Singh
 2. Mukesh Singh, male, aged about 30 years, Son of Diwakar Singh
 3. Suman Singh, male, aged about 26 years, Son of Kapil Singh
 4. Anita Devi, female, aged about 48 years, Wife of Kapil Singh
 5. Amit Singh, male, aged about 28 years, Son of Kapil Singh
 6. Kapil Singh, male, aged about 54 years, Son of Banarshi Singh Singh
 7. Pappu Kumar Singh @ Pappu Singh, male, aged about 32 years, Son of Diwakar Singh

All Resident of Village - Mohanpur, P.S. Dhankund, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 29.07.2021, which was allowed.

3. Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



4. Learned counsel for the petitioners submitted that during the pendency of the petition, the petitioners no. 1, 3 and 5, namely, Suraj @ Suraj Bhan Singh, Suman Singh and Amit Singh, respectively, have been arrested and, thus, he may be permitted to withdraw the petition on their behalf.

5. In view thereof, as prayed for by learned counsel for the petitioners, the petition on behalf of petitioners no. 1, 3 and 5, namely, Suraj @ Suraj Bhan Singh, Suman Singh and Amit Singh, stands disposed of as withdrawn and is restricted to petitioners no. 2, 4, 6 and 7, namely, Mukesh Singh, Anita Devi, Kapil Singh and Pappu Kumar Singh @ Pappu Singh.

6. The petitioners no. 2, 4, 6 and 7 apprehend arrest in connection with Dhankund PS Case No. 128 of 2020 dated 16.12.2020, instituted under Sections 147, 149, 323, 332, 353, 341, 504, 506, 188 of the Indian Penal Code.

7. The allegation against the petitioners no. 2, 4, 6 and 7 is of obstructing the police which had come to interrogate the petitioner no. 1 in connection with loot of a truck.

8. Learned counsel for the petitioners no. 2, 4, 6 and 7 submitted that the FIR is with regard to a truck being looted along with Rs.40,000/- cash and one mobile. Further, it has been stated that the tower location of the mobile showed the village



of the petitioner no. 1 and because he was involved in another case and the description more or less was that of petitioner no. 1, when the police went to his place, he was seen coming out of his house, but when the police wanted to take him to the police station, all the accused, including petitioners no. 2, 4, 6 and 7, are said to have created obstruction due to which the police could not take the petitioner no. 1 with them for interrogation. Learned counsel submitted that the allegation against petitioners no. 2, 4, 6 and 7 is only that they had created obstacle in the way of the police which had come to take the petitioner no. 1 with them to the police station in connection with the present case. It was submitted that the petitioner no. 6 is accused in Dhankund PS Case No. 76 of 2020 which has been lodged by his agnates due to land dispute and for the same incident there is also a counter case, and the petitioner no. 6 has been granted anticipatory bail by the Court below itself. Learned counsel submitted that the petitioners no. 2, 4 and 7 have no other criminal antecedent.

9. Learned APP submitted that the petitioners had actively prevented the police from taking the petitioner no. 1 with them in connection with the investigation of the present case. However, it was not controverted that only allegation



against them is that they had prevented the police from doing so.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2, 4, 6 and 7 be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Banka in Dhankund PS Case No. 128 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners no. 2, 4, 6 and 7, (ii) that the petitioners no. 2, 4, 6 and 7 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 2, 4, 6 and 7, and (iii) that the petitioners no. 2, 4, 6 and 7 shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners no. 2, 4, 6 and 7 shall cooperate in the case and be present before the Court on each and every date. Failure to



cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners no. 2, 4, 6 and 7, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners no. 2, 4, 6 and 7.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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