

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28563 of 2020

Arising Out of PS. Case No.-133 Year-2020 Thana- AMARPUR District- Banka

1. Parmanand Thakur Son of Late Bhagwat Thakur Resident of Village - Mahauta, P.S.- Amarpur, District - Banka
2. Prem Bharti Son of Shri Parmanand Thakur Resident of Village - Mahauta, P.S.- Amarpur, District - Banka
3. Ranjan Kumar @ Priya Ranjan Son of Shri Parmanand Thakur Resident of Village - Mahauta, P.S.- Amarpur, District - Banka
4. Rajeev Lochan Son of Shri Parmanand Thakur Resident of Village - Mahauta, P.S.- Amarpur, District - Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur,Advocate Mr.Pravin Kumar,Advocate
For the State	:	Mr.Raj Kishore Singh,APP
For the Informant	:	Mr.Aditya Nath Pandey,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-01-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Aditya Nath Pandey, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Amarpur P.S. Case No. 133 of 2020 registered for the offences punishable under Sections 147, 148, 323, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant in his written report alleged that on the alleged date of occurrence, the informant was on his land and there Parmanad Thakur, Prem Bharti, Rajeev Lochan and Ranjan Kumar were from



before and they started abusing the informant. Thereafter petitioner no. 1 (Parmanand Thakur) ordered to kill the informant and at this petitioner no. 2 (Prem Bharti) came with two guns. Thereafter petitioner no. 4 (Rajeev Lochan) came with a country-made pistol and in the meantime, the informant rushed inside his house, then Mukesh Sharma and Sanjeev Sharma came there who were shot at by Parmanand Thakur and Prem Bharti and both of them fell down on the ground. The accused Rajeev Lochan also fired with his pistol.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel submits that there is counter case from the petitioners' side also. It is further submitted that in the alleged occurrence petitioner nos. 3 and 4 have received firearm injury from the firing done by the prosecution side.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein there is specific allegation of firing against petitioner nos. 1 and 2 causing injuries to the prosecution side, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos. 1 and 2. Their prayer for anticipatory bail is, thus, refused.

In case they surrender and pray for regular bail before the learned court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without



being prejudiced by the present order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioners for the aforesaid period.

So far as petitioner nos. 3 and 4 are concerned, learned counsel for the petitioner submits that there is no allegation of firing against them though it is stated that petitioner no. 4 had fired from his pistol but it was not fired on anybody from the prosecution side and no injury has been caused to them, considering that there is a counter case also and petitioner nos. 3 and 4 were allegedly injured in the firing which was allegedly done by the prosecution side, let petitioner nos. 3 and 4 above-named in case of their arrest or surrender within a period of four weeks from today in connection with Amarpur P.S. Case No. 133 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

