

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31222 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. SHALIGRAM SINGH @ SHALIGRAM RAY Son of Late Mahendra Singh Resident of Village- Harerampur, Police Station- Khodawandpur, (Chhourahi O.P.), District- Begusarai.
2. Adarsh Kumar Son of Shaligram Singh Resident of Village- Harerampur, Police Station- Khodawandpur, (Chhourahi O.P.), District- Begusarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Khodawandpur P.S. Case No. 241 of 2019 registered for the offence under Sections 307, 341, 323, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that both the parties are co-sharers and there is a case and counter case between the parties with respect to a piece of land. He further submits that the petitioners have no criminal antecedent.



Mr. Syed Ehteshamuddin, learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is alleged that the petitioner no. 1 had given order to his sons to kill the informant and on such order one of the sons of the petitioner no. 1 had assaulted the informant by a khanti on his head, the said son namely, Ankesh Kumar has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc No. 29913 of 2020, so far as petitioner no. 2 is concerned, there is an allegation that he had fired from his pistol but no fire arm injury has been caused to anyone, police has also not recovered any empty cartridge from the place of occurrence, there is a counter case of the alleged occurrence, both the parties are co-sharers and the learned Sessions Judge has also observed in the impugned order that the injury on the body of the informant is attributed to one of the sons of the petitioner no. 1, in the nature of the case and counter case as also the materials placed before this Court and the petitioners have otherwise no criminal antecedent, let the petitioners above named be released on bail in the event of their arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs.



25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, District Begusarai in connection with Khodawandpur P.S. Case No. 241 of 2019 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

(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 antecedents of these petitioners and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose



of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

