

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6179 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- BIHTA District- Patna

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1. Golu Kumar @ Praduman Kumar @ Parduman Kumar @ Boduman Kumar S/O- Sanjay Singh R/O Village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna.
 2. Bittu Kumar @ Rakesh Kumar S/O- Upendra Shurma R/O Village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna.
 3. Ajit Kumar S/O Subhash Sharma R/O Village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-12-2021 At the outset, learned counsel for the petitioners submits that during the pendency of this application, petitioner no. 2 namely Bittu Kumar @ Rakesh Kumar died due to electric shock, therefore, his name be expunged from the petition.

Let this petition as regards petitioner no. 2 be treated to have abated. The petition now survives in respect of Golu Kumar @ Praduman Kumar @ Parduman Kumar @ Boduman Kumar (petitioner no. 1) and Ajit Kumar (petitioner no. 3).

Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.



The petitioner nos. 1 and 3 in the present case are seeking pre-arrest bail in connection with Bihta (Neora) P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 427, 436, 307, 504 and 506 of the Indian Penal Code. The petitioner nos. 1 and 3 have no criminal antecedent.

Learned counsel for the petitioners submits that these petitioners have been falsely implicated in this case because they are the residents of village Neori. The petitioners are students and they are preparing for competitive examination. The specific submission is that in fact the informant Mahesh Kumar Yadav had encroached upon some public land against which complaints were being made by the villagers of Neori village. Pursuant to the said complaint, the Circle Officer, Bihta had directed the informant to remove the encroachment, when he did not remove then villagers gave application before the Circle Officer, Bihta, Sub-Divisional Officer and District Magistrate Patna. A writ petition being C.W.J.C. No. 10205 of 2020 has also been filed in this Court. It is only for this reason that the present case has been lodged.

It is further submitted that the co-accused similarly situated have been granted privilege of anticipatory bail by a learned Co-ordinate Benches of this Court vide order as contained in Annexure '1 series' to the supplementary affidavit.



Learned APP for the State has though opposed the prayer for anticipatory bail of these petitioners but in the facts and circumstances discussed hereinabove, this Court directs that the petitioner nos. 1 and 3 above named in the event of their arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Danapur, Dist-Patna in connection with Bihta (Neora) P.S. Case No. 93 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1 and 3 and in case at any stage it is found that the petitioner nos. 1 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 and 3. 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 disposed of.

(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'.

