

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39042 of 2020

**Arising out of P.S. Case No. 103, year- 2020, Thana- Pirbahore District
Patna.**

1. Chandan Kumar @ Chandan, an adult male, aged about 34 years,

2. Arvind Kumar @ Arvind, an adult male, aged about 40 years,

Both sons of Sri Brajendra Kumar Singha, both residents of Mahavir
Lane, Mussalahpur, Police Station- Pirbahore, District Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Saket Gupta, Adv.

For the Opp. Party/s : Mr. Damodar Prasad Tiwary, APP

For the Informant : Mr. Shyamal Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Chandra Bhushan Prasad, the learned APP appearing for the State.



prehends his arrest in connection

with Pirbahore P.S. Case No. 103 of 2020 for the offence punishable under sections 302 and 120B read with 34 of the Indian Penal Code and under section 27 of the Arms Act.

The father of the informant is stated to have been killed by unknown persons and the petitioners are alleged to have hatched conspiracy in this regard.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioner has further submitted that the police upon investigation has found the case to be untrue as far as the petitioners are concerned and final form has already been submitted qua the petitioners herein on 12.5.2020, however, the learned court of C.J.M., Patna has differed from the final form submitted by the police and has taken cognizance against the petitioners vide order dated 30.5.2020 for the offences punishable under sections 302/ 120(B)/34 of the Indian Penal and section 27 of the Arms Act, nonetheless, it is submitted that since the police has already given a clean cheat to the petitioners, the guilt of the petitioners will now be ascertained only in the ensuing trial, hence no purpose would be served by sending the petitioners to jail, thus the petitioners be granted the pri atory bail.



Per contra, the learned APP appearing for the State, Shri. Damodar Prasad Tiwary and Shri Shyamal Prakash, the learned counsel appearing for the informant, have vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that the police has already submitted final form qua the petitioners herein, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case No. 103 of 2020, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

It is needless to state that the petitioners would be required to appear on each and every date so fixed by the learned court of Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 103 of 2020 and in the event of



two consecutive defaults, the present privilege of anticipatory bail being extended to the petitioners shall stand revoked automatically and the petitioners would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

Tiwary/-

