

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6303 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- MANSI District- Khagaria

1. BIRBAL KUMAR SAH @ BIRBAL KUMAR, SON OF KAMLESHWARI SAH, R/o village- Rohiar, P.S.- Mansi, Distt.- Khagaria
2. Praveen Kumar @ Bablu Kumar @ Praveen, S/o Binod Sah, R/o village- Rohiar, P.S.- Mansi, Distt.- Khagaria
3. Rakesh Kumar, S/o Binod Sah, R/o village- Rohiar, P.S.- Mansi, Distt.- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office 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 petitioners in the present case are seeking pre-arrest bail in connection with Mansi P.S. Case No.114 of 2020 registered for the offences punishable under Sections 147, 385 and 504 of the Indian Penal Code and Section 27 of the Arms Act. Petitioners have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story on 14.04.2020 at about 12 O' clock when



the informant was irrigating his land, in the meantime, all the named accused persons came there, surrounded the informant and on the order of one Kamli Sah to kill him one Binod Sah fired upon him but the informant anyhow saved himself. It is further alleged that one Kailash Verma who was harvesting his field near the field of informant was also abused by the accused persons.

Learned counsel for the petitioners submits that there is neither any specific allegation that these petitioners were having a weapon in their hand nor that they had fired from the weapon. Learned counsel submits that in the FIR the specific allegation of firing has been made against one Binod Sah. It is submitted that that these petitioners have no criminal antecedent

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions of learned counsel for the petitioners that there is neither any specific allegation that these petitioners were having a weapon in their hand nor that they had fired from the weapon, in the FIR the specific allegation of firing has been made against one Binod Sah, however, admittedly no injury has been caused to anybody in the alleged occurrence which has taken place admittedly on



account of a land dispute as also that these petitioners have no criminal antecedent, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Mansi P.S. Case No.114 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 bond 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.

(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'.

