

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17089 of 2021

Arising Out of PS. Case No.-55 Year-2018 Thana- GARDANIBAG District- Patna

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BABLU KUMAR S/O INDRESH PRASAD Resident of Shivpuri, P.S.-
Gardanibagh, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-03-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Gardanibagh P.S. Case No.

55/2018 instituted for the offences under Sections 341,

307, 504, 506 and 34 of the Indian Penal Code and Section

27 of the Arms Act.

The accusation against the petitioner, his father

and others is of having opened fire in the air for threatening

one Pramod Pandit for vacating the temple premises where

he had been residing.

It has been urged on behalf of the petitioner that



he and his father are members of the Trust of the temple and the informant is a trespasser. Apart from this, it has been submitted that his father, namely, Indresh Prasad who too, has similar allegation against him, has been granted anticipatory bail by the court below but such privilege has not been given to the petitioner only on the ground that earlier the petitioner was made accused in a criminal case.

Mr. Sahay has submitted that though the petitioner was earlier made accused in a case in the year 2005 vide Gardanibagh P.S. Case No. 438 of 2005 but in that case, he has been acquitted by the court below way back in the year 2008 only. Thus for all practical purposes, as on date, the petitioner also has no criminal antecedent. This, it has been argued, cannot be called concealment under any circumstance.

For the reasons afore-stated, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XIV, Patna, in connection with Gardanibagh P.S. Case No. 55/2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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