

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35512 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- HARNAUT District- Nalanda

BABLU KUMAR son of Baijnath Singh Resident of Village - Adarsh Nagar,
P.S.- Harnaut, District - Nalanda, Bihar Sharif.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Dr. Satyendra Kumar Srivastava, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP
For the Informant/s :	Mr. Sanjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 307 and 504 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 02.08.2021 at 2:00 AM, three named accused persons, including the petitioner, along with 5-6 unidentified accused came and surrounded his house, thereafter Shiv Shambhu hurled abuses at the informant and threatened to kill the whole family, it is next alleged that the accused were



variously armed and Bablu Kumar (petitioner) had a rifle and he tried to break the door, further Shiv Shambhu shot at informant's grand son but missed and Ashok Kumar shot fired at the door.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that police after investigation submitted final form in favour of the petitioner and the learned trial court differing with the police report took cognizance of the offence against the accused persons, including the petitioner, it is next submitted that when one Investigating Agency has already found the petitioner innocent then sending the petitioner to jail, at this moment based on cognizance would amount to travesty of justice.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner, but are not able to meet the submission of the learned counsel for the petitioner that police had submitted final form in favour of the petitioner.

At this stage the learned counsel for the informant submits that petitioner has not approached this Court with clean hands, it is next submitted that at Para-3 of the anticipatory bail



application it is submitted that petitioner is a person with clean antecedent when petitioner has antecedent of Harnaut P.S. Case No. 332 of 2021.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Harnaut P.S. Case No. 335 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned trial court before accepting the bail bonds of the petitioner shall verify whether petitioner has any antecedent as submitted by the learned counsel for the informant or not and, in the event, if the petitioner has got antecedent, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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