

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48089 of 2022**

Arising Out of PS. Case No.-34 Year-2022 Thana- ALIPUR District- Gaya

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Anil Kumar @ Surajbhan Singh S/o Late Haribansh Sharma R/o village-
Kutlupur, P.S.- Alipur, District- Gaya Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Alipur P.S. Case No. 34 of 2022 registered for the

offences punishable under Sections 341, 323, 307, 379, 337, 427,

506/34 of the Indian Penal Code and Section 27 of the Arms Act.

He is in custody since 02.04.2022. The petitioner has got two

criminal antecedents.

Learned counsel for the petitioner submits that as per

the prosecution story, on 01.04.2022 at about 07:00 A.M. the

informant was sitting at his darwaja and preparing to go to market.

It is alleged that, in the meanwhile, all of a sudden Anil Kumar @

Suraj Bhan Singh and Raju Kumar armed with pistol in their hand



came there and pointed the pistol on the temple of the informant with an intention to kill him. It is alleged that on hulla raised by petitioner, the family members came there and the accused persons fled away. It is alleged that Raju Kumar took away Rs. 5,000/- from the pocket of the informant. It is also alleged that accused petitioner has committed same occurrence two days before which was reported to the police station and video of said occurrence is also made available to the police station. It is further stated that Anil Kumar is attached with restricted organization and has also criminal history. It is further stated that the occurrence took place due to 'rasta (way).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no specific allegation of assault against this petitioner and the informant are close-door neighbours. It is submitted that the petitioner is in custody in connection with this case since 02.04.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the disclosures in the first information report and the injury report as contained in Annexures '2' and '3', this being a case of



land dispute and there is no fire-arm injury, petitioner is in custody since 02.04.2022, he has got two criminal antecedents and both the cases are said to have arisen out of same dispute in which application for bail of the petitioner is pending, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M 1st Class, Gaya in connection with Alipur P.S. Case No. 34 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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