

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3466 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- MALSALAMI District- Patna

1. Swami Janardan Dev @ Mahanth Janardan Dev Son Of Guru Swami Kramdev Maharaj R/O Baba Chanchal Dev Ji Ka Matth, Nand Gola Main Road, Patna City. P.S- Malsalami, Dist- Patna
2. Santosh Kumar Upadhyay @ Santosh Upadhyay @ Santosh Son Of Vidhadhar Upadhyay R/O Nand Gola, P.S- Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 115 and 506/34 of the Indian Penal Code.

As per prosecution case, the petitioners no. 1 and 2 along with one Radheyshyam, jointly planning to kill the informant with the help of local resident. It is further alleged that on instruction of petitioner no.2, Radheshyam was talking to Amit Kumar for eliminating the informant.

Learned counsel for the petitioners submit that no such occurrence as alleged ever took place. Petitioners have



been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submit that there is no specific overt act against the petitioners. He submits that there is no incriminating material against the petitioners in the entire case diary. He submits that petitioner no.1 is aged about 80 years. Petitioner no.1 has got no criminal antecedent whereas petitioner no.2 has got one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for bail.

Considering the facts and circumstances of the case and the fact that the petitioner no. 1 is aged about 80 years, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Malsalami P.S. Case No. 547 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, Considering the facts and circumstances of



case and the fact that there is specific overt act against petitioner no. 2, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

