

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14279 of 2023

Arising Out of PS. Case No.-195 Year-2020 Thana- SHAMBHUGANJ District- Banka

Krishna Kanhaiya Kumar Son of Suvit Lal Yadav @ Suvit Yadav R/v-
Khajuri Dih, P.S.- Shambhuganj, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Shambhuganj P.S. Case No. 195 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 13.07.2020 at about 04:30 A.M., when the informant and his family members were sleeping, accused persons including this petitioner forcibly untied the cattle of the informant and assaulted the cattle. When the informant came out and saw co-accused Devanand Yadav was assaulting the cattle by lathi, raised objection thereafter the accused persons assaulted the informant and his son by lathi.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case over a petty issue. It is submitted that both the parties are own gotiyas and there are general and omnibus kind of allegations against the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that the allegation against this petitioner is general and omnibus, both the parties are own gotiyas and they have a scuffle over a petty dispute, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Shambhuganj P.S. Case No. 195 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV Banka, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step 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.

Before this Court parts with this order, the Superintendent of Police, Banka is directed to look into the observation of the Sessions Judge, Banka who has recorded that even after several demand of the case diary, the I.O. had not submitted the same.

To this Court, it appears that it is nothing but a complete discourtesy and non-cooperation with the court. The Superintendent of Police, Banka shall inquire into the matter and take suitable action against the I.O. in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

