

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14518 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- BARHARA District- Bhojpur

1. OM PRAKASH SINGH, Son of Late Gorakh Singh R/v- Ekauna, P.S.- Barhara, District- Bhojpur
2. SANTOSH KUMAR SINGH @ SANTOSH SINGH Son of Om Prakash Singh R/v- Ekauna, P.S.- Barhara, District- Bhojpur
3. SANGEETA DEVI @ GITA DEVI Wife of Om Prakash Singh R/v- Ekauna, P.S.- Barhara, District- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 At the outset, Mr. Krishna Prasad Singh, learned senior counsel for the petitioners seeks permission to withdraw this application on behalf of petitioner no. 1.

Permission is granted.

This application as against petitioner no. 1 stands dismissed as withdrawn.

In case, petitioner no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

The petitioner nos. 2 and 3 in the present case are seeking pre-arrest bail in connection with Barhara P.S. Case No. 300 of 2022 registered for the offences punishable under Sections 307, 341, 323,



353, 354 and 506/34 of the Indian Penal Code. They have got one criminal antecedent.

As per the prosecution story, on 30.04.2022 the police conducted a raid to arrest accused of Barhara P.S. Case No. 273 of 2021, namely, Om Prakash Singh, who is the petitioner in the present case. When the police tried to arrest the accused Om Prakash Singh, he and his son, namely, Ashutosh Kumar started scuffling with the police. It is alleged that Ashutosh Kumar pressed the neck of ASI Aaftab Khan and other co-accused started abusing the police.

Learned senior counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that no specific overt act has been alleged against these petitioners.

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

Having regard to the facts and circumstances of the case wherein it is submitted that the thrust of the allegations are against Ashutosh @ Mantosh Singh, so far as these petitioners are concerned their names have been falsely implicated only because they are related to said Ashutosh @ Mantosh Singh, no specific overt act has been alleged and their case stands on similar footing with co-accused Babloo Singh who has been granted privilege of pre-arrest bail by the learned Sessions Judge, Bhojpur, the case of the petitioners have been distinguished only on the ground that they have one criminal



antecedent, considering that the petitioners stand on similar footing with Babloo Singh who has been granted privilege of pre-arrest bail and the only case against them is of the year 2011 in which they are on bail, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 2 and 3 be released on bail in connection with Barhara P.S. Case No. 300 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 stands allowed.

(Rajeev Ranjan Prasad, J)

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