

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14464 of 2023

Arising Out of PS. Case No.-169 Year-2021 Thana- NADI P.S. District- Patna

1. Parmanand Ray Son Of Late Saryug Rai R/O Vill.- Jethuli, P.S.- Nadi, Distt.- Patna
2. Ramanand Ray Son Of Late Saryug Rai R/O Vill.- Jethuli, P.S.- Nadi, Distt.- Patna
3. Tekanand Ray Son Of Late Saryug Rai R/O Vill.- Jethuli, P.S.- Nadi, Distt.- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Nadi P.S. Case No. 169/2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 427, 307, 504, 506, 448 of the Indian Penal Code and 27 of the Arms Act. They have got two criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant has alleged that he was running Radha Brick Kiln over plot no.



1548, khata no. 171 since 11 years, in the meantime, all the F.I.R. named accused persons along with 50-60 other unknown persons having one dead body came at his land and tried to cremate at his land. When he opposed, they started firing with intention to kill and one pellet hit at the chest of Satendra Kumar. It is further alleged that Parmanand hit from the butt of rifle on Yogendra Rai.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that all the accused persons were present only for the purpose of cremation of dead body as per order by the gram panchayat. The said land was illegally occupied by Laldev Rai and others.

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

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner no. 1 and 3 is that they had been firing from rifle and petitioner no. 1 had assaulted Yogendra Rai by butt of the rifle and that they have got criminal antecedents as well, which they had not disclosed in the learned court below, this Court is



not inclined to grant privilege of anticipatory bail to petitioner nos. 1 and 3 named-above.

The prayer for anticipatory bail of petitioner nos. 1 and 3 is, thus, refused.

In case, they surrender and pray for regular bail in the learned court below, their prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of the court.

So far as petitioner no. 2 is concerned, since there is no specific allegation against him of firing, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner no. 2 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Patna City, connection with Nadi P.S. Case No. 169/2021, 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 no. 2 and in case at any stage it is found that the petitioner no. 2 has



concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

(Rajeev Ranjan Prasad, J)

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