

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34597 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. PRIYANSHU KUMAR, Son of Pankaj Kumar @ Pankaj Yadav, Resident of Village - Baburahi, P.S.- Sahebpur Kamal, District - Begusarai.
 2. Pankaj Kumar @ Pankaj Yadav, Son of Sita Ram Prasad Yadav, Resident of Village - Baburahi, P.S.- Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in connection with Shebpur Kamal P.S. Case No. 325 of 2022 registered for offence under Sections 147, 148, 149, 379, 504, 506, 448 and 120B of Indian Penal Code and Section 27 of the Arms Act.

3. On 28.11.2022, the informant has given an information to the police wherein he has alleged assault against the accused persons including the instant petitioners.

4. It is submitted by learned counsel for the petitioners that the information has been given on 28.11.2022



indicating date of occurrence as 17.11.2022, which is apparently false having regard to the delay. In fact, the allegations have been antedated to overcome the lodging of Sahebpur Kamal P.S. Case No. 315 of 2022 which was lodged on 18.11.2022. The parties are agnates and there is subsisting land disputes. the allegations in the FIR are not supported by any enquiry report and the earlier version from the petitioners' side alleging firing upon the prosecution parties of this case is already available in the other FIR. Petitioners also have no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, as also clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 325 of 2022, subject to the conditions as



laid down in Section 438(2) of the Code of Criminal Procedure
as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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