

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40379 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- HARNAUT District- Nalanda

VIDYANAND BIND @ VIDYANAND KUMAR S/O RAMAASHISH
BIND RESIDENTS OF VILLAGE- -TELMAR POLICE STATION
TELMAR O.P, DISTRICT NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40759 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- HARNAUT District- Nalanda

SUKESH BIND @ SUKESH KUMAR S/o- NANHAK BIND Village-
Telmar Ps- Telmar Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40379 of 2023)

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 40759 of 2023)

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard Mr. Anil Kumar Singh, learned Counsel for
the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection
with Harnaut (Telmar O.P.) P.S. Case No. 134 of 2023 for the
offence punishable under Sections 147, 148, 149, 341, 323,307,
353, 427, 224, 225, 504 and 506 of the I.P.C lodged on



8.03.2023 by the informant Sanjay Kumar

As per the prosecution story, the informant had alleged that upon secret information that some people are moving in drunken conditions, reached the place. The '*mukhiya*' along with 20-25 persons came and tried to take away the apprehended persons and were also able to take away Mukesh Bind. However, Kapil Bind, Nitish Bind, Birindi Bind and Mukesh Bind were arrested. The further allegation is of assaulting the police and damaging the vehicle.

Learned counsel for the petitioners in both the cases submit that so far as Vidyanand Bind @ Vidyanand Kumar is concerned, he came to know that the arrested persons, who were labourer in Chennai and had come to their native place during '*holi*' are being harrassed by the police and upon opposition, he was implicated in this case and do not have criminal antecedent.

So far as Sukeshe Bind @ Sukeshe Kumar is concerned, he is a student and do not have criminal student and further his role has been attributed amongst the 20-25 persons.

It is his last submission that without accepting the allegation and/or the outcome of the present petition while the petitioner, Vidyanand Bind @ Vidyanand Kumar (Cr. Misc.



40379 of 2023) undertakes to pay Rs. 5,000/- to the Chief Minister Relief Fund and Sukesh Bind @ Sukesh Kumar (Cr. Mis. No. 40759 of 2023) also undertakes to pay Rs. 2,000/- to the Chief Minister Relief Fund.

Learned APP opposes the prayer stating that the allegation is of trying to obstruct the police during their duty as also assault and damaging the vehicle.

Considering the facts as narrated above as also the contention put forward by the learned counsel for the petitioners and they do not have criminal antecedent and will ultimately face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to condition that they undertake to pay, as stated above.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Harnaut (Telmar O.P.) P.S. Case No. 134 of 2023 , subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail applications are allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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