

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47365 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- TELHARA District- Nalanda

Bablu Prasad @ Bablu Kumar S/O- Vidya Sagar Prasad, Resident of Village-
Ghana Bigha Tola Gajjobag PS- Telhara Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Telhara P.S. Case No. 171 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code and Section 27 of the Arms. Act. He has got no criminal antecedent.

3. As per the prosecution story, on 28.10.2022 at about 05:30 P.M., the informant received information that his nephew Sarbesh Kumar entered into an altercation with one Navin Kumar. On this information, the informant, his son and some other persons went to pacify the matter but this petitioner along with other accused persons variously armed assaulted the informant and his son as a result of which they sustained head injuries. In the meantime, Kauslendra Yadav started firing which



hit one Shailendra Mistri in his thigh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no allegation of commission of any overt act against the petitioner.

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

6. Having regard to the submission that this petitioner is one among the 12 unnamed accused persons who had allegedly assembled at the place of occurrence but there is no allegation of commission of overt act against the petitioner, the specific allegation of firing has been made against co-accused Kauslendra Yadav and that this petitioner has no criminal antecedent, hence, 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 Telhara P.S. Case No. 171 of 2022 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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