

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47571 of 2023

Arising Out of PS. Case No.-425 Year-2023 Thana- BIHTA District- Patna

1. Pankaj Singh Son Of Sirbi Narayan Yadav Village Bela Ps Neora Distt Patna
2. Arjun Rai Son Of Ram Naresh Rai Village Bela Ps Neora Distt Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajanan Mishra, Advocate
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP
For the Informant	:	Mr. Piyush Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard Mr.Gajanan Mishra, learned counsel for the petitioners, Mr. Piyush Saurav, learned counsel for the informant and Mr.Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S.Case No.425 of 2023, FIR dated 04.05.2023 registered for the offences punishable under Sections 447,448,341,342,323,384,386,406,420,506,120(B) of the Indian Penal Code.

3. As per prosecution case, the father of the informant entered into an agreement for selling of land for a period of 3 months with Arun Kumar @ Munshi @ Mukhiya but neither paid consideration money nor returned agreement paper.



Thereafter, the mother of the informant sold the said land in favour of petitioner's wife Renu Devi. The petitioner told the informant on a call to come with his mother and brother at his residence saying Arun Kumar @ Munshi @ Mukhiya is sitting there, when he reached there the petitioner said that return my total money and I will return your land on which Arun kumar @ Mukhiya also agreed. Petitioner threatened him to capture his mother and brother and sent him back on gun point with three men and took Rs. 60,50,000/- from him, when informant demanded in writing then the petitioner threatened him to shoot, if he disclosed the matter to anyone.

4. Learned counsel for the petitioners submits that petitioner No.1 carries one more case other than the present one and he is on bail in the said case. Petitioner No.2 has clean antecedent. They have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation against both the petitioners and at best the petitioners were present at the place of the occurrence and petitioners have not received any amount from the informant and they have falsely been made accused in the present case.

5. Learned counsel for the informant and learned



A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners were present at the place of occurrence and anticipatory bail application of co-accused, namely, Subhash Prasad Yadav, has been rejected by a Coordinate Bench of this Hon'ble Court vide order dated 23-08-2023 passed in Cr. Misc. No.54799 of 2023 and co-accused, namely, Subhash Prasad Yadav, has challenged the order dated 23-08-2023 passed in Cr. Misc. No.54799 of 2023 before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 12384 of 2023 and the same was dismissed vide order dated 06.10.2023 but fairly submits that there is no accusation against both the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-1st, Patna in connection with Bihta P.S. Case No.425 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

