

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59491 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BELAGANJ District- Gaya

1. MAHENDRA SINGH Son of Late Nageshwar Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
2. Sanjeev singh @ Sahjay Kumar Son of Late Ram Surat Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
3. Abhay Kumar @ Butta Son of Shailendra Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
4. Shailendra Singh Son of Late Rameshwar Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
5. Vikash Kumar @ Kunnu Singh Son of Rajeshwari Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
6. Chintu Kumar @ Randhir Kumar Son of Nawal Singh @ Nawal Kishore Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
7. Rahul Kumar Son of Balmiki Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
8. Akul Kumar @ Aklu Kumar Son of Balmiki Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
9. Sanjiv Kumar @ Sanjiv Singh Son of Ramakant Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya
10. Nepali Singh @ Jay Kumar Son of Surendra Singh Resident of village- Dhanama, P.S. - Belaganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard Mr. Awadhesh Kumar Pandey, learned Counsel

for the petitioners and learned APP for the State.

2. At the outset, learned Counsel for the petitioners submit that during the pendency of the anticipatory bail application, petitioner no. 5 (Vikash Kumar @ Kunnu Singh) has been arrested and as such, so far as his case is concerned, the same has become infructuous.



3. The petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 64 of 2023 for the offence registered under sections 147, 149, 353 and 427 of the Indian Penal Code and 25(9) of the Arms Act lodged on 29.01.2023 by the informant, Prashant Kumar Singh.

4. The prosecution case in brief is that on 29.01.2023 at about 14:00 hours informant Prasant Kumar Singh alongwith other police personnel proceeded from the police station when he received a video clip of joyous firing by the accused persons in the night of 28.01.2023 at a dance program.

5. It is further alleged that when he reached the place of occurrence, then he found that due to firing there was a hole in the cloth ceiling and the people disclosed that the firing was made by the co-accused namely, Ajay Sharma. On this information, he proceeded on which he saw that a person escaping from the place of occurrence but with the help of police personnel, apprehended. However, meanwhile 20-25 persons came tried to stop the co-accused namely, Ajay Sharma and in the process, also scuffled with the police forces but anyhow the co-accused Ajay Sharma was arrested. Accordingly, the FIR.

6. Learned Counsel for the petitioners submit that



they do not have criminal antecedent and only on the basis of vague allegation.

7. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners intend to pay Rs. 1,000/- each on their own to the Chief Minister's Relief Fund.

8. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they tried to prohibits the Police from doing duty.

9. Considering the fact none of the petitioners have criminal antecedent, there is omnibus allegation and they will be diligently appearing in Trial, this Court is inclined to extend them privilege of anticipatory bail subject to the payment of Rs. 1,000/- each as undertaken by the learned Counsel for the petitioners.

10. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 64 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 petitioners, who shall provide official document to show their *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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 their bail bonds;

(v) 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;

11. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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