

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63678 of 2023

Arising Out of PS. Case No.-606 Year-2023 Thana- ALAMGANJ District- Patna

1. Anil Kumar Singh Son Of Late Jagdish Narayan Singh Resident Of Mohalla- Meena Bazar, P.S.- Alamganj, Dist- Patna
2. Munil Kumar Singh @ Munil Kumar Son Of Late Jagdish Narayan Singh Resident Of Mohalla- Meena Bazar, P.S.- Alamganj, Dist- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Alamganj P.S. Case No- 606 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 324, 307, 504, 506 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act. They have got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioners is that for taking forceful possession of the land in question they along with other accused persons had involved in making firing from their pistol.

4. Learned counsel for the petitioners submits that the mother of the petitioners is the real land owner of the land in



question and she has got a decree from the learned District Court in Title Suit No.15 of 2018. Learned counsel submits that after the judgment and decree of the court, the mother of the petitioners has executed an agreement for sale in favour of co-accused Vijay Chandra Dubey and Shyam Dalihan to look after the plot of the petitioners' mother.

5. Learned counsel further submits that from the FIR itself it would appear that there is no specific allegation that these petitioners were indulged in firing or have caused any injury to any of the member of the prosecution side. It is submitted that the petitioners have otherwise no criminal antecedent.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein it is submitted that the mother of the petitioners is the real land owner of the land in question and she has got a decree from the learned District Court in Title Suit No.15 of 2018 and further that after the judgment and decree of the court, the mother of the petitioners has executed an agreement for sale in favour of co-accused Vijay Chandra Dubey and Shyam Dalihan to look after the plot of the petitioners, further submission that from the FIR itself it would appear that there is no specific allegation that these petitioners were indulged in firing or have caused any injury to



any of the member of the prosecution side, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Alamganj P.S. Case No- 606 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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 antecedent, 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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