

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66041 of 2023

Arising Out of PS. Case No.-355 Year-2023 Thana- GOPALPUR District- Patna

1. RAKESH KUMAR SON OF SRI AKHILESH RAY RESIDENT OF VILLAGE - BAIRIYA, P.S. - GOPALPUR, DISTRICT - PATNA
2. GUDDU KUMAR SON OF LATE SHANKAR RAI RESIDENT OF VILLAGE - BAIRIYA, P.S. - GOPALPUR, DISTRICT - PATNA
3. AKHILESH RAI SON OF LATE JUGESHWAR RAI RESIDENT OF VILLAGE - BAIRIYA, P.S. - GOPALPUR, DISTRICT - PATNA
4. SURENDRA RAI SON OF LATE JUGESHWAR RAI RESIDENT OF VILLAGE - BAIRIYA, P.S. - GOPALPUR, DISTRICT - PATNA
5. DILIP KUMAR SON OF SRI BINOD RAI RESIDENT OF VILLAGE - BAIRIYA, P.S. - GOPALPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-10-2023 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

3. As per F.I.R., it is alleged that all the F.I.R. named accused persons including petitioners threatened the informant and looted Rs. Two lacs from his vehicle on the point of pistol. It is further alleged that they also fired in air. It is further alleged that they repeatedly committed same offence upon informant's



land, for which, informant has lodged two cases against them. The reason for the occurrence is that informant purchased said land from the ancestors of the accused persons through registered sale-deed. After purchase, the land was also mutated in the name of informant's wife and rent receipts are being issued by authorities. These petitioners opposed the aforesaid purchase and therefore, in order to grab the alleged land they are committing offence.

4. From perusal of paragraph – 3 of the petition, it is apparent that petitioner no. 5 has no criminal antecedent, but petitioner no. 1 to 4 have two criminal antecedents.

5. Considering the nature of accusation and criminal antecedent of petitioner no. 1 to 4, their prayer for anticipatory bail is rejected.

6. However, considering the fact that petitioner no. 1 has got clean antecedent, in the event of his arrest/surrender within a period of six weeks from today, he is directed to be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Gopalpur P.S. Case No. 355 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



7. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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