

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74015 of 2023**

Arising Out of PS. Case No.-311 Year-2023 Thana- GRIYAK District- Nalanda

1. Harihar Prasad S/O Bisheshwar Mahto
2. Gopal Prasad @ Gopal Kumar S/O Bisheshwar Mahto
3. Munna Kumar S/O Bisheshwar Mahto  
All R/o Village- Sakuchi Sarai, Ps. Giriyak (PAWAPURI), Dist. Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mithilesh Kumar Rai, Advocate  
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      09-11-2023                      Heard Mr.Mithilesh Kumar Rai, learned counsel for  
the petitioners and Mr.Raj Ballabh Singh, learned Additional  
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Giriyak (Pawapuri) P.S.Case No.311 of 2023, FIR dated 16.06.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 337, 338, 307, 353, 354, 332, 333 and 427 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 of the Prohibition of Public Property Act, 1984.

3. On account of the kidnapping of the daughter of one Harihar Prasad on 16.6.2023 at about 6:00 pm., the said



Harihar Prasad and his accomplices, armed with lathi and danda, had surrounded the house of one Jitendra Kumar and were engaging in assaulting the said Jitendra Kumar and his family members as also were engaging in a riotous behaviour, whereupon, the police had arrived there and upon the police having tried to pacify them, the accused persons, in all 15 named, including the petitioners and 40-50 unknown, had created a ruckus resulting in the police vehicle being damaged as also some of the police personnel having received injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that there is specific allegation of firing attributed against co-accused persons, namely, Sujeet Kumar, Nandlal Kumar, Anil Prasad and Giridhar Gopal and there is no accusation of any assault or overt-act attributed against the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of 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 Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Giriyak (Pawapuri) P.S. Case No.311 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)**

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