

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3103 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- ASARGANJ District- Munger

1. Kumod Pandit @ Kumud Ranjan @ Kumud Ranjan Pandit S/O Narayan Pandit R/O Village- Raghuchak (Andhar) P.S- Sultanganj, District- Bhagalpur
2. Duddhu Sah @ Sadanand Sah S/O Ganeri Sah R/O Village- Raghuchak (Andhar) P.S- Sultanganj, District- Bhagalpur
3. Subhash Sah S/O Kheri Sah @ Chandramohan Sah R/O Village- Raghuchak (Andhar) P.S- Sultanganj, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar Saha, Advocate Mr. Raunak Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Asarganj P.S Case No. 131 of 2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act. They have got no criminal antecedent.

Learned counsel for the petitioners submits that the allegation against the petitioners is that all the FIR named accused persons including these petitioners assaulted the son of the informant and co-accused Pankaj Sah shot fire at the face of



the son of the informant and he died on the spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the co-accused similarly situated has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 11660 of 2023. It is also submitted that there is no specific allegation of any overt act against the petitioners.

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

Having regard to the facts and circumstances of the case wherein the specific allegation of firing and commission of overt act is against co-accused Pankaj Sah and the another co-accused Rupan Sah has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 11660 of 2023, the petitioners have otherwise no criminal antecedents and they are similarly situated with Rupan Sah, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Asarganj P.S. Case No. 131 of 2022 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 Additional Chief Judicial Magistrate-II, Munger, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

