

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27217 of 2024

Arising Out of PS. Case No.-815 Year-2023 Thana- KADAMKUAN District- Patna

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1. Ashutosh Kumar Singh S/o Balram Singh R/o East Lohanipur, P.S. - Kadamkuan, Dist. - Patna
 2. Manish Kumar @ Manish Kr. Singh S/o Late Binay Singh R/o East Lohanipur, P.S. - Kadamkuan, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Kumar Rajdeep, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Anshul, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-06-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 380, 427, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the informant has stated that on 23.11.2023, some people broke the lock of the main gate and forcibly entered the campus of another property of the informant situated near her residence, wherein a marriage hall was running. It is further alleged that thereafter, when the informant came out of the house and went there then all the accused persons named in the F.I.R., including these petitioners, started abusing her and vandalized the articles kept there. It is



further alleged that these petitioners pointed pistol on her head and threatened her to vacate the said property and hand it over to them. It is further alleged that when the informant denied, everyone started taking away chairs and tables from the marriage hall. It is further alleged that Petitioner No. 2 and co-accused Paritosh Kumar Singh attacked upon the informant and carried away the articles from the marriage hall.

4. It is submitted by learned counsel appearing on behalf of the petitioners that both parties are agnates and partition of property had taken place between them in the year 1930 by virtue of judgment and decree dated 07.02.1930 passed in Title Suit No. 09 of 1930. It is next submitted that the property in dispute on which the marriage hall is running and where the occurrence is alleged to have taken place falls in the share of the petitioners, which the informant wants to grab and, therefore, only to put pressure, this this false and concocted case has been lodged. It is further submitted that from perusal of the F.I.R. it is apparent that the allegation is general and omnibus and no specific accusation of overt act has been alleged against these petitioners.

5. Learned A.P.P. for the State and learned counsel appearing for the informant have vehemently opposed the prayer



for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances and nature of accusations, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged 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 J.M.F.C.-XIV, Patna, in connection with Kadamkuan P.S. Case No.815 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure as also the following conditions:-

“(a) The 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 bounds shall be cancelled by the Court below.

(b) 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.”

(Prabhat Kumar Singh, J)

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