

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23919 of 2024

Arising Out of PS. Case No.-566 Year-2023 Thana- KONCH District- Gaya

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1. Krishna Yadav S/O Sri Dukhharan Yadav R/O Village- Wahabchak, P.S-
Konch, Distt.- Gaya.
 2. Shahabuddin Kunjara @ Shabuddin Mian, S/O Shahadat Kunjara, R/O
Village- Deva, P.S.- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-07-2024 Heard Mr. Sudhir Kumar Sinha, learned counsel

appearing on behalf of the petitioners and Mr. Nagendra Prasad,

learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Konch P.S. Case No. 566 of 2023 registered under Sections
385 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, it has been
alleged that the accused persons, named therein, including the
petitioners came at the plot of one Badre Alam, which was
looked after by the informant and started cutting down the
standing crop of paddy from the said land and on objection
raised by the informant, they threatened to kill him.



4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submits that no offence is made out from bare perusal of the FIR. On these grounds, petitioners deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner no.2 has no criminal antecedent but so far as, petitioner no.1 is concerned, one criminal case of similar nature is pending against him.

6. Having considered the rival submissions made on behalf of the parties, as well as, on perusal of the FIR, I find that no criminal case is made out against the petitioners, and, as such, the learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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. - Ist Class, Gaya in connection with Konch P.S. Case No. 566 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. However, considering the information that one criminal case is pending against the petitioner no.1, I find it proper that the petitioner no.1 will make his attendance before the concerned police station under which his house is located each fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner no.1, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

8. The present bail application stands disposed of.

(Purnendu Singh, J.)

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