

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26200 of 2024

Arising Out of PS. Case No.-899 Year-2023 Thana- BIHTA District- Patna

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Anish Kumar @ Anish Rai S/O Sipahi Rai @ Umashankar Rai @ Uma Shankar Singh @ Uma Shankar Prasad R/O Village- Suarmarwa, P.S- Maner, Distt.- Patna, A/O Residing At Janta Road, Saristabad, P.S- Gardanibag, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Pravin Kumar, Adv Mr.Purusottam Kumar, Adv
For the Opposite Party/s :		Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2024 1. Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 307, 379, 427, 160, 216 of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned senior counsel for the petitioner submits that petitioner has antecedent of five cases and the informant alleges that an information was received that firing in the *diara* area is going on in-between Umashankar Rai and Praveen Kumar to establish their supremacy over illegal sand mining, accordingly, the informant reached the place of occurrence when



accused fled and police recovered 8 burnt poclain machines and 56 fired cartridges.

4. The learned senior counsel submits that father of the petitioner had approached this court seeking anticipatory bail by filing Cr. Misc No. 39550 of 2024 and the same was allowed by an order dated 8-7-2024. It is also submitted that case of the petitioner is on a better footing than that of Umashankar Rai as Umashankar Rai had antecedent of 17 cases, while petitioner has antecedent of five cases. It is also submitted that while considering the anticipatory bail application of the Umashankar Rai by order dated 8-7-2024 in Cr. Misc No. 39550 of 2024, the Court had considered his criminal antecedents and had recorded that within a short span of two months, Umashankar Rai was implicated in five cases. It is thus submitted that once a person is implicated in a criminal case thereafter the police starts implicating in a mechanical manner, when informant is not an eye-witness to the occurrence. It is also submitted that petitioner will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bihta P.S. Case No.899/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his cousin brother, Hare Ram Kumar.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reason and shall take all coercive steps to ensure that petitioner is behind bars.

9. It is further made clear that if the charge sheet is submitted connecting the petitioner with the offence, in that



event, the anticipatory bail order will lose its effect.

10. Let a copy of this order be sent to the concerned
P.S. through the learned trial court.

(Satyavrat Verma, J)

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