

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28158 of 2024**

Arising Out of PS. Case No.-672 Year-2020 Thana- AMARPUR District- Banka

1.

Nikesh Singh, S/O Munna Singh @ Rakesh Singh R/O Vill. - Telia, P.S - Amarpur (Fullidumar), Distt. - Banka.
2.

Munna Singh @ Rakesh Singh @ Rakesh Kumar Singh S/O Mani Singh R/O Vill. - Telia, P.S - Amarpur (Fullidumar), Distt. - Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Pawan Kumar Singh, Advocate |
|                          |   | Mr. Kamlesh Kumar, Advocate     |
| For the Opposite Party/s | : | Mr. Md. Fahimuddin, APP         |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      26-07-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. This is an application seeking pre-arrest bail of the petitioners in connection with Amarpur (Fullidumar) P.S. Case No. 672 of 2020 registered for the offences punishable under Sections 341, 323, 307, 325, 379, 504, 506/34 of the Indian Penal Code. They have got one criminal antecedent each.

3. Learned counsel for the petitioners submits that in fact these petitioners had moved earlier in Cr. Misc. No. 14280 of 2023, in which after considering the entire facts and circumstances and on finding that these petitioners were not sent up for trial by police and only on the basis of protest petition, later on the learned Magistrate has taken cognizance and issued summons against

them, granted privilege of pre-arrest bail to the petitioners, subject to certain conditions.

4. Learned counsel submits that inadvertently in the earlier petition, the petitioners did not disclose one criminal antecedent which each one of them had, as a result whereof, the petitioners could not surrender in the court below and their application for modification was disposed of with liberty to file a fresh application.

5. Learned APP for the State is present and does not controvert the aforementioned submissions.

6. Having regard to the aforementioned facts and considering the materials on the record, this Court finds that this time, the petitioners have disclosed their criminal antecedents in paragraph '3(i)' and '3(ii)' of the petition. This Court in its order dated 18.05.2023 in Cr. Misc. No. 14280 of 2023 had *inter alia* observed as under:-

“Having regard to the facts and circumstances of the case wherein it is submitted that there are general and omnibus allegations against the petitioner, the thrust of the allegations are against the co-accused Chunnu Singh @ Ankesh Kumar Singh and Mayank Singh, the police has not sent up the petitioners for trial but on protest, learned Magistrate has taken cognizance and issued summons against the petitioners and some of the co-accused have been granted privilege of anticipatory bail by a learned

Co-ordinate Bench of this Court in Cr. Misc. No. 23763 of 2021, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Amarpur (Fullidumar) P.S. Case No. 672 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Banka 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.”

7. In the circumstances stated above, this Court directs that in case the petitioners surrender within a period of four weeks from today and submit their bail bonds in terms of the order dated 18.05.2023, the bail bonds of the petitioners shall be accepted and the benefit of the order dated 18.05.2023 shall be allowed.

8. The application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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