

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51502 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SANDESH District- Bhojpur

1.

Amit Kumar Son Of Jay Prakash Singh R/O- Village- Dihri, P.S.- Sandesh , Distt.- Bhojpur
2.

Kundan Kumar @ Kudan Kumar Son Of Vidhanand Singh R/O- Village- Dihri, P.S.- Sandesh , Distt.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate Ms. Priya, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard Ms. Priya, learned counsel for the petitioner
and Mr. Narsingh Tanti, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sandesh P.S. Case No. 76 of 2024 for the offence under Sections 379, 411, 120-B, 353 and 414 of the I.P.C. lodged on 15.03.2024 by the informant, Ashish Kumar Pathak.

3. As per the prosecution story, the informant alleged that upon information, the police officials went to intercept the illegally loaded sand on the tractor and managed to apprehend one Rahul Kumar while these two petitioners (Kundan Kumar and Amit Kumar) managed to escape as named by the locals. However, the locals ensured that even the Rahul Kumar



escaped. Accordingly, the F.I.R. under different Sections.

4. Learned Counsel for the petitioners submit that neither the tractor nor the trailer belong to them nor they have any role to play in the matter, one of the petitioner (petitioner no.2) is a student of twenty years of age and only due to village rivalry, named. The last submission is that both the petitioners do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the locals gave the name of the escaped persons, including these petitioners.

6. Taking into account the submissions put forward by the parties as also the fact that the vehicle does not belongs to these petitioners, one of them is student, both of them do not have criminal antecedent, F.I.R. lodged, and they diligently be appearing in trial, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Sandesh P.S. Case No. 76 of 2024, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.,
as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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