

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67104 of 2023

Arising Out of PS. Case No.-432 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Ashnarayan Singh @ Ashnarayan, age about 50 years (Male), Son of Late Jagdhari Singh, Resident of Village - Ahiroli Dan, P.S. - Tareya Sujan, District - Kushinagar (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Adesh Raj, Advocate
For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 432 of 2018 dated 28.10.2018 registered for the offences punishable under Sections 395 and 397 of the I.P.C.

4. As per the prosecution case, on 27.10.2018, while the informant was going from his Tractor from Benipur and as soon as he reached Janki Pool then from a black car, 4-5 persons



came down from the said car and sat on the informant's tractor and went towards Sakra. Thereafter they also sat down Rakesh Kumar Yadav and the informant and pointed a pistol to them and left them under Shobhan Pool. Thereafter, the informant returned to his house alongwith his friend Rakesh Kumar Yadav. Thereafter, the accused persons looted the informant's tractor which was without number. They also looted the mobiles of the informant and his friend.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R., and his name has sprung up in the present case on the basis of the confessional statement of the co-accused Shushil Singh. It is further submitted that the said co-accused Shushil Singh has already been granted bail by the learned court below. No incriminating article has been recovered from the possession of the petitioner. The petitioner has three criminal antecedents as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Darbhanga, in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 432 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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