

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68133 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- BELSAND District- Sitamarhi

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1. Sumit Kumar @ Sumit Ray Son of Sri Kamal Ray R/o Village- Belsand Ward No.10, Post and P.S.- Belsand, District- Sitamarhi
 2. Bablu @ Bablu Yadav Son of Late Nagendra Rai R/o Village- Belsand Ward No.10, Post and P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Belsand P.S. Case No. 77 of 2024 for the offence under Sections 109/308(2) of the Bharatiya Nyaya Sanhita and 27 of the Arms Act lodged on 05.07.2024 by the informant, Baldeo Rai.

3. As per the prosecution story, the informant alleged that on 03.07.2024, while returning, as he reached near the place, the accused persons stopped, demanded extortion and further, threatened that failing to pay, will have to face trouble. On the next day, as he was visiting the agricultural land, they opened fire and escaped. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that their brother had contested the panchayat election against the informant and was defeated. As the informant was aggrieved due to his brother contesting the election, this theory has been incorporated in the FIR, no extortion and/or firing took place and both are young persons having no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submission put forward by the parties as also that both the petitioners are young and do not have any criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their 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 Judicial Magistrate, 1st Class, Sitamarhi in connection with Belsand P.S. Case No. 77 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their 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 their 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 their 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 their bail bonds.

(Rajiv Roy, J)

Adnan/-

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