

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79314 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- HARNAUT District- Nalanda

Mukesh Kumar, Son of Late Omkar Nath Chaubey, Resident of Village- Baba Bakhtaur Road, Harnaut, P.S.- Harnaut, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sourendra Pandey, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Harnaut P.S. Case No. 368 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 380, 323, 504, 506, 452 of the Indian Penal Code and Section 27 of the Arms Act. He has no criminal antecedent.

3. As per the prosecution story, on 02.07.2023 at about 04:15 P.M., when the informant's wife was sitting at the door of her house, this petitioner and one Chunchun Kumar along with seven unknown persons came on motorcycles and started abusing her. When the informant's wife raised objection, said Chunchun Kumar started firing and snatched her mangalsutra, chain and ear ring. The co-accused also snatched the key of the *Godrej almirah* and took away jewelry worth



Rs.2,00,000/- and cash Rs.25,000/-. All the accused persons fled away firing.

4. Learned counsel for the petitioner submits that the petitioner and the informant are co-villagers and have their residential premises in front of each other. It is submitted that the present case has been lodged falsely implicating the petitioner and the entire story is concocted.

5. Learned counsel further submits that the case of the petitioner and the co-accused Chunchun Kumar is identically situated but Chunchun Kumar has been granted bail by the learned court below whereas the prayer for anticipatory bail of the petitioner has been rejected.

6. Learned counsel for the petitioner submits that from the impugned order itself, it would appear that the learned court below has granted bail to the co-accused on the ground that there is a compromise between the informant and the co-accused. On this ground alone, the case of the petitioner has been distinguished.

7. Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the facts and circumstances of the case and the fact that the co-accused similarly situated has been granted privilege of



anticipatory bail by the learned court below, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Harnaut P.S. Case No. 368 of 2023 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., Biharsharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

