

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11811 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Shambhu Kumar S/o Arun Prasad Singh R/o village-Chainpur, P.S-Khusrupur, District-Patna.
 2. Arya Kumar @ Niranjan, son of Ramayan Prasad, Resident of Chak Hussain, Ward No.8, P.S. Khusrupur, Dist. Patna
 3. Santosh Kumar, S/o Vijay Singh R/o Choti Kali Sthan, Chak Hussain, P.S-Khusrupur, District-Patna.
 4. Ram Pravesh Kumar S/o Avdhesh Singh R/o village-Malpur, P.S-Khusrupur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 At the outset, learned counsel appearing on behalf of the petitioners submits that petitioner no.2 has been arrested and, as such, the present petition has become infructuous as far as petitioner no.2 is concerned, and he seeks to withdraw the same.

2. Accordingly, the present petition is dismissed as withdrawn with respect to petitioner no.2.

3. Heard Mr. Vijay Anand, learned counsel appearing on behalf of the petitioners and Ms. Nirmala Kumari, learned APP for the State.



4. The petitioners seek pre-arrest bail in connection with Khusrupur P.S. Case No. 239 of 2023 dated 11.06.2023 registered for the offence(s) punishable under Sections 385/504 of the Indian Penal Code and Section 27 of the Arms Act.

5. As per the allegation made in the FIR, the accused persons named therein including the petitioners have assaulted the brother of the informant and they also made several round of firing. Further allegation is that the accused persons also threatened the informant and his family members to execute a piece of land in their favour, otherwise they will be killed.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have been falsely implicated in this case due to land dispute. It is further submitted that there is general and omnibus allegation against the petitioners. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No.80395 of 2023.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Considering the nature of allegation, as well as, the fact that similarly situated co-accused persons have already been



granted anticipatory bail by a co-ordinate Bench of this Court, the **petitioners no.1, 3 and 4**, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Patnacity in connection with Khusrupur P.S. Case No. 239 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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