

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78362 of 2024

Arising Out of PS. Case No.-861 Year-2023 Thana- AGAMKUAN District- Patna

1. Raj Kumar S/O Bhagwan Mahto R/O- Chhoti Pahari, P.S.- Agamkuan, District- Patna.
2. Sunil Kumar @ Sunil Mahto S/O of Basu Mahto @ Basudev Mahto Residents of Jaipur Dhanki, Bari Pahari, P.S- Agamkuan, District - Patna.
3. Nand Kishore @ Nand Kishore Nanda @ Nand Kishore Sinha S/O of Basu Mahto @ Basudev Mahto Residents of Jaipur Dhanki, Bari Pahari, P.S- Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Prasad
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Agamkuan P.S. Case No. 861/2023 dated 03.09.2023 registered for the offence punishable u/s 147, 148, 149, 385, 387, 427, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, there is a plot of land measuring 1 Acre 36 decimal which belongs to Chandan Kumar which is guarded by the informant and Naushad Ahmad. On 03.09.2023 at 02:00 P.M., both of them with their motorcycles



went to the plot and they were sitting inside a room. In the meantime, they heard the sound of firing and when they looked outside, they saw that the petitioner and the co-accused persons along with 40-50 unknown persons and ladies of their family were also coming towards them by firing indiscriminately. Thereafter, all of them damaged the motorcycle of the informant. In this chaotic situation, they brought JCB and demolished the boundary wall and then took the JCB inside and vandalized the room. In the meantime, the informant called 112 and also informed Agamkuan Police Station. Before the arrival of police the petitioner and the co-accused persons fled away with JCB. While the informant and his friend were fleeing away, the accused persons were shouting to kill them because they have not given Rs. 50 lakhs as extortion money and they are also residing in room built over that plot. Further, they threatened them to pay Rs. 50 lakhs as extortion money to Ram Pravesh Mahto, Pawan Mahto and Rahul Yadav otherwise they would be killed.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is a land dispute between the parties. There is general and omnibus allegation against the petitioners. The other co-accused person has already been



granted bail by this court *vide* order dated 23.10.2024 passed in Cr. Misc. No. 60756/2024. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna City in connection with Agamkuan P.S. Case No. 861/2023, subject to conditions 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 is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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