

(2021) 05 PAT CK 0053

Patna High Court

Case No: Criminal Miscellaneous No. 34007 Of 2020

Raju Singh @ Raju Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: May 20, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 341, 379, 436, 427, 504, 506
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Pushpendra Priyedarshi, Sharda Kumari**Final Decision:** Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Pushpendra Priyedarshi, learned counsel for the petitioner and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.
3. The petitioner apprehends arrest in connection with Bihta (Neora) PS Case No. 93 of 2020 dated 01.02.2020, instituted under Sections 147, 148, 149, 341, 323, 379, 427, 436, 307, 504, 506 of the Indian Penal Code.
4. The prosecution case is that on the date of occurrence, a mob of about 35 named persons, including the petitioner, and 20-25 unknown persons came, which was led by co-accused Ravindra Kumar Raj alias Timal Singh variously armed and co-accused Timal, Gautam and Shipul were carrying gun and they had entered into the shop of the informant with gun and Timal had threatened to kill the informant at point of gun forcing the informant

and his son to sit down whereafter Gautam exhorted for putting the shop on fire upon which Shipul and Mantosh sprinkled oil and lit fire leading to the shop being burnt causing damage to various, articles including vehicles.

5. Learned counsel for the petitioner submitted that against him there is no specific allegation of any overt act. It was submitted that he has been

falsely implicated for the reason that the informant was in illegal possession of 2.18 acres of government land and on a petition given by the villagers,

including the petitioner, an encroachment proceeding was started against the informant and in order to seek vengeance and put pressure on the

villagers, all the persons, who were signatories to the application with regard to the informant having grabbed the government land, have been made

accused. Learned counsel submitted that the petitioner is suffering from various disease like cervical spondylitis, bone TB and eye problem and is

undergoing treatment at various places in Patna, Delhi and Chandigarh. It was further submitted that local people have also filed a writ petition seeking

removal of the encroachment as it has stopped water flow in area. Learned counsel submitted that similarly situated co-accused, Kesri Singh @ Ram

Kishore Sharma and Chandan Kumar @ Chandan Singh have been granted anticipatory bail by a co-ordinate Bench by order dated 09.03.2021 in Cr.

Misc. No. 34396 of 2020. It was submitted that the petitioner has no criminal antecedent. It was submitted that neither any details of any vehicle

burnt, like registration number, etc., has been given in the FIR nor the police have recovered any such article which is alleged to have been burnt.

6. Learned APP, from the case diary, submitted that the witnesses have supported the prosecution case.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Danapur, Patna, in Bihta (Neora) PS Case No. 93 of

2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a

close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.