

COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-IV, BARH, PATNA

ABP No. 9793 of 2022

(1) Pramod Bihari Singh and (2) Banarsi Chaudhary

State

**(Arising out of Ghoshwari (Samyagarh O.P) P.S. Case No. 177 of 2022
Under Sections 341, 323, 354, 307, 384, 389, 379, 504, 506 and 34 of IPC.)**

ORDER

21.03.2023

1. Anticipatory bail petition was filed on behalf of petitioners namely, **(1) Pramod Bihari Singh and (2) Banarsi Chaudhary** (under A.B.P. No. 9793 of 2023) in connection with Ghoshwari (Samyagarh O.P) P.S. Case No. 177 of 2022, Under Sections 341, 323, 354, 307, 384, 389, 379, 504, 506 and 34 of IPC.

2. Prosecution story, in brief, that on 28.10.2022 at 04:00 AM informant Bhaisur resident of Raigarh came off the train after near about 06 months for celebrating Holiday of Chhathpuja at his village. On the same day at 08:00 AM Petitioner No. 1 ASI Pramod Bihari Singh came ther in civil dress with a court warrant of arrest in section 107 Cr. P.S. proceeding and made on illegal demand for non execution of warrant. At the chauk of village when villagers protested they started abusing them. After some constables are appear there. At that time the Bhaisur of informant went there for a work. The petitioner No. 1 and the constables were abuses the villagers and told that the villagers showing jamindar will arrested them and sent them. On the order of petitioner No. 1 the constables were arrested the Bhaisur Deepak Kumar and some villager and proceeded to police station. The petitioner No. 1 has taken Rs. 2000/- from the pocket of Deepak Kumar in the way. On this means the villagers of informant reached at police station. The petitioner No. 1 has demanded Rs. 25,000/- to release her Bhaisur. The husband of informant assure that he paid the demanded money.

3. It has been submitted by the learned counsel on behalf of the petitioners that they have not moved any application either for regular bail or anticipatory bail either before Court of Session or before Hon'ble High Court of Judicature at Patna and there are no criminal antecedent against the petitioners.

4. It has been further submitted by the learned counsel of the petitioners that the petitioners are quite innocent and have committed no offence rather they have been falsely implicated in this case. The petitioners are obeying and executing the order of the Id. Court of SDJM Barh and the informant Bhaisur and her co-villagers were murderously assaulted the petitioner No. 1 for which SHO Ghoshwari (Samyagarh O.P) have registered Ghoshwari (Samyagarh O.P) P.S. Case No. 169 of 2022. Therefore, the petition may be allowed.

Continued

21.03.2023

5. Learned A.P.P. for the State vehemently opposed the bail petition.

6. Heard, This case is pending for long time. Earlier case was before the Police Department for investigation and later on it was transferred to C.I.D on the orders of Hon'ble Court. Diary was called for in both the cases. It has been received lately. Perusal of case diary reveals that this is a case of Police excesses committed due to lack of awareness and knowledge of Law and none applicatio of guidelines of Hon'ble Supreme Court and Hon'ble High Courts issued from time to time. Police ego and extraneous consideration also come in the way of due discharge of their duties. Having seen the pen drives of the occurance and having viewed the order of the Hon'ble Patna High Court in this case, it reveals that though accused have caused hurt, wrongful confinement and torture to the victim ruling out any attempted murder (Section 307 of IPC is there in the FIR) the Hon'ble Court have orally pardoned the accused directing them to ensure due discharge of their duties. They are police personal and will not run away or abscond.

As such, **Petitioner No. 01-Pramod Bihari Singh and Petitioner No. 02-Banarsi Chaudhary** are granted anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned Lower Court, subject to the fulfillment of conditions as laid down under Section 438(2) of the Cr. P.C. with condition that they are to appear in the court concerned every 1/3 dates physically and they will always wear the name plate and their batch while on duty.

7. Let the copy of this order be sent to the concerned trial court.

Dictated & Corrected

sd/-

(Rajiv Kumar-III)

Addl. District & Sessions Judge- IV,
Barh, Patna