

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37758 of 2018

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Rahul Kumar son of Shashi Kumar resident of village-Bhawanipur Zirat,
Arya Samaj Chowk, P.S. Chhatauni Dist- East Champaran....

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
147, 148, 149, 290, 341, 323, 307, 120B of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as per the written
report of Deepak Patel dated 23.01.2018 submitted to the
Station House Officer of Motihari Town P.S. is to the effect
that on 23.01.2018 at 6.40 P.M. some unknown persons came
on motorcycles and started roaming around the house of the
informant, upon which information was given to the police and
thereafter, the accused persons started firing but since the local
people gathered around the house of the informant the accused
persons escaped from the scene. However, three persons



namely Rana, Sumit and Kishan Kumar were apprehended. The apprehended accused persons named the petitioner. During investigation police also seized four motorcycles and two cartridges and the seizure was made in front of the house of Deepak Patel.

It is submitted by learned counsel for the petitioner that only on the basis of confessional statement of apprehended accused, the name of the petitioner sprang up. Moreover, no injury was caused to anyone.

Learned APP, however, submits that the name of the petitioner sprang up on the confession of apprehended persons.

Considering the fact that name of the petitioner sprang up on the confessional statement of co-accused and no recovery has been made from the petitioner, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 34 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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