

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35332 of 2018

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Sanjiv Kumar, son of Amar Singh, resident of Village- Mathura Parsa, P.S.-
Parsa, District- Saran.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bhagwan Bazar P.S. Case No. 391 of 2017 registered under
Sections 399, 402 of the Indian Penal Code and 25(1-b)a, 26 and
35 of the Arms Act.

It has been submitted by the learned counsel for the
petitioner that the petitioner was neither caught at the spot nor
any incriminating article was recovered either from his person or
possession. The arrested accused Gobind Kumar Gupta
disclosed name of his associates who managed to escape as



Munna Mian, Gopal Singh, Krishna Rai, Sikari Rai and Sandeep Ojha. There is no other material on the basis of which the police could have dragged any other person in the category of accused. There is nothing in the first information report on the basis of which, it can be said that the petitioner was in any way involved in making preparation to commit dacoity, but due to high-handedness of police, he is apprehending arrest. It is further submitted that the petitioner has no criminal antecedent and having got roots in the society, he is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the State submitted that name of the petitioner transpired in course of investigation as one of the accused persons who had assembled on the relevant date for commission of evidence.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Bhagwan Bazar



P.S. Case No. 391 of 2017 subject to the conditions as laid down
under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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