

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17279 of 2019**

Arising Out of PS. Case No.-419 Year-2018 Thana- KOTWALI District- Munger

Rahul Rout @ Domma @ Rahul Kumar, Son Sanjay Mallik Resident of Ram
Lila Maidan, P.S.- Kotwali, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 399 and 402 of the IPC and Sections 25(1-B)a, 26(1) and 35 of the Arms Act.

The prosecution case, as per the written report of Raj Narayan Akela, S.I. of Police, Munger Kotwali Police Station, submitted to the Station House Officer, Munger Kotwali Police Station, is to the effect that on 10.10.2018 at 11 A.M., the informant received an information that some miscreants are preparing to commit dacoity, whereupon raid was laid when four persons were apprehended and one person managed to flee away from the scene. From one of the apprehended co-accused persons, one loaded country made pistol was recovered. The apprehended co-accused persons disclosed the name of the



petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the spot. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the statement of apprehended co-accused persons.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.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/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 like amount each to the satisfaction of learned C.J.M., Munger in connection with Kotwali P.S. Case No. 419 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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