

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44292 of 2019

Arising Out of PS. Case No.-717 Year-2018 Thana- MOTIPUR District- Muzaffarpur

ARUN KUMAR Son of Vishwanath Rai Resident of Village - Adalpur
Morsandi, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Motipur Police Station Case No. 717 of 2018, disclosing offences under Sections 399, 402, 412 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case, as per the First Information Report, is that the Police, on receiving secret information that some miscreants have assembled near Pansalwa over bridge and were making plan for committing robbery, reached near the place of occurrence and saw three persons fleeing away, but one person was apprehended by the Police; whereas two persons succeeded in fleeing away. Upon search of the apprehended persons, one loaded country-made pistol, along with two live cartridges were recovered. It has further been alleged that the



apprehended persons disclosed the name of two persons, namely, the petitioner and one Gopi Sahani.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of confessional statement of the co-accused, who was apprehended by the police at the place of occurrence. He further submits that the co-accused person has inimical terms with the petitioner and that the apprehended person has disclosed that the illegal weapon belongs to Gopi Sahani and not to this petitioner. The petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has no criminal antecedent and no recovery has been made from the conscious possession of the petitioner and that his name has come in the confessional statement of the apprehended person, this application is allowed.

Let the petitioner, Arun Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, West,



Muzaffarpur, in connection with Motipur Police Station Case No. 717 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

