

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65377 of 2019

Arising Out of PS. Case No.-275 Year-2019 Thana- BIHIA District- Bhojpur

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SUNIL RAJWAR @ LADEN @ SUNIL RAY @ SUNIL RAI, S/o Late
Kailash Ray R/o village- Nausetand Mathia, P.S.- Bihiya, Distt.- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bihiya Police Station Case No. 275 of 2019, disclosing offences under Sections 399/402/414 of the Indian Penal Code and Sections 25 (1-b)a/26/35 of the Arms Act.

The allegation against the petitioner is that the police, upon a secret information that some persons were preparing to commit robbery, proceeded towards the place of occurrence and upon seeing the police party, 5 persons succeeded in fleeing away, however, one person, namely, Saheb Paswan, was arrested, from whose possession the police recovered one country-made pistol with three live cartridges. It has further been alleged that the arrested accused has disclosed the name of



the petitioner and others.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has merely been implicated on the basis of statement made by the arrested co-accused person. He further submits that no fire arm was recovered from the possession of this petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, no incriminating article has been recovered from him and the name of this petitioner has been disclosed by the arrested co-accused person, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Bihiya Police Station Case No. 275 of 2019, 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.)

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