

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5971 of 2020**

Arising Out of PS. Case No.-232 Year-2019 Thana- BAIRIYA District- West Champaran

MUKESH KUMAR Son of Sital Prasad Resident of Village - Dhorey, P.S.- Pokhariya, Distt - Parsa, Nepal, At present resident of Village - Haat Sariya, P.S.- Bairiya, Distt - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-07-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking anticipatory bail in connection with Bairiya P.S. Case No. 232/2019 registered for the offences under Sections 414 of the Indian Penal code and 25(1-b)a, 26/35 of the Arms Act, pending in the court of learned A.C.J.M. 1st Bettiah, West Champaran.

Learned counsel for the petitioner submits that the First Information Report has been lodged on the basis of the self-statement of the S.I. of Police alleging that the apprehended accused had disclosed the name of the petitioner as the person who had fled away on seeing the police party. Learned counsel submits that the petitioner has no criminal antecedent and his involvement on the basis of the confessional statement is a sheer



harassment and has been made because of the local rivalry. It has been specifically submitted that the vehicle bearing Registration No. BR-06AW-3033 does not belong to the petitioner and he has no concern with the said vehicle.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, however considering the facts and circumstances of the case wherein except the statement of the apprehended accused there is no other material against the petitioner, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bairiya P.S. Case No. 232 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties, who will be local residents having landed property within the jurisdiction of the court and one of the bailors should be the deponent namely, Rishu Kumar, aged about 21 years, son of Munna Prasad Varnwal, resident of Chautariya Tola, Ward No. 04, Khiriya Ghat, Bettiah, P.S. Bairiya, District – West Champaran, who has sworn affidavit that he is the brother-in-law (sala) of the petitioner, of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This condition is imposed considering that the petitioner is a resident of Nepal and presently residing in the State of Bihar.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

