

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8567 of 2020**

Arising Out of PS. Case No.-242 Year-2019 Thana- HATHAURI District- Muzaffarpur

RAJA KUMAR Son of Upendra Ray Resident of Village - Chakki, Korlahiya,
P.O. - Konahi Haranarayan, P.S. - Mahindwara, District - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with Hathauri Police Station (for brevity, PS) Case No 242 of 2019 registered on 05.12.2019 instituted for the offence punishable under Section(s) 399, 402, 414 of Indian Penal Code and Sections 25 (1-b)a, 26, 35 of Arms Act.

Four persons have been taken into custody by the informant-Police Officer who has gone to investigate the plotting of some offence by the said four accused persons based on a secret information. From the possession of these four persons, certain arms and ammunition have also been recovered. The apprehended persons have allegedly confessed that they



were planning to commit robbery on the National Highway and have earlier also looted some cash and mobile. It is on the basis of confessional statement of these four persons that the petitioner's name has surfaced. Petitioners' counsel submits that other than confessional statement of the co-accused, there is nothing to suggest the petitioner's involvement. There is no recovery attributed to the petitioner and, admittedly, he has not been apprehended at the place of alleged plotting. Petitioner had no criminal antecedent prior to his implication in this case. It is only thereafter, on the basis of confessional statement of these four persons, he has also been implicated in Bochaha PS Case No 406 of 2019.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Muzaffarpur in connection with Hathauri PS Case No 242 of 2019 subject to the



conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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