

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20878 of 2020

Arising Out of PS. Case No.-134 Year-2018 Thana- BEERPUR District- Begusarai

TUNTUN KUMAR S/O Visho Tanti @ Bisho Tanti R/O Village - Ramdiri,
Ward No. 9, Ram Nagar Nlcha, PS - Matihani, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nirmala Kumari, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-08-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Birpur PS Case No. 134 of 2018 registered under Sections 399, 402, 412, 413, 414 of the IPC and Sections 25(1-B)A, 26(i)(ii) and 35 of the Arms Act.

Seven persons have been arrested alleging that they were preparing to commit dacoity. The petitioner is not amongst these seven persons.

Learned Counsel for the petitioner submits that other than seven persons arrested names of seven more persons have been added, including the petitioner, on the basis of alleged confessional



statement of one of the apprehended persons. Other than confessional statement of the apprehended co-accused there is nothing to connect the petitioner with the alleged offence of preparing for dacoity. The petitioner bears clean antecedent and it is submitted that he is a student. The implication is merely on the basis of suspicion because of some acquaintance with one of the accrued persons.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Begusarai in Birpur PS Case No. 134 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as 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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