

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26920 of 2020**

Arising Out of PS. Case No.-90 Year-2018 Thana- VAISHALI District- Vaishali

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DHIRAJ KUMAR Son of Ram Bilash Paswan Resident of Village -
Jagarnathpur Nagwan, P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha,Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

2 25-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Vaishali P.S. Case No. 90 of 2018 registered for
the offences punishable under Sections 399, 402, 413, 414 of the
Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms
Act.

Learned counsel for the petitioner submits that as per the
prosecution story when the police surrounded the accused persons
who had assembled at the place of occurrence, the miscreants started
fleeing away and when they were chased, then it is alleged that they
had fired upon the police personnel but the police party kept on



chasing them and ultimately they were caught.

It is submitted that altogether 9 persons were caught by Police on chase. It is alleged that one of the apprehended accused disclosed that his two associates namely, Dhiraj (the petitioner) and Mukesh Kumar who has already been enlarged on anticipatory bail in Cr. Misc. No. 13739 of 019 had succeeded in fleeing away.

Learned counsel submits that save and except the said accusation coming through one of the apprehended accused, there is no independent witness who has seen this petitioner fleeing away on seeing the police party, there is no recovery from possession of the petitioner and the co-accused Mukesh Kumar has already been granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court. This petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has not been arrested on the spot, nothing has been recovered from him, he has no criminal antecedent and the co-accused similarly situated has been granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with



Vaishali P.S. Case No. 90 of 2018, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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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'.

