

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26904 of 2020**

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

AMBUJ KUMAR S/o Mukesh Kumar Singh Resident of Village-Param
Jiwar, P.S-Hathauri, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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

2 06-11-2020 Learned counsel for the petitioner undertakes to remove all the defects within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Ms. Asha Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Hathauri P.S. Case No. 242 of 2019 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)A, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the statement of the apprehended accused, however nothing incriminating has been recovered from the possession of the petitioner and that exactly similarly situated co-accused Raja Kumar has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 8567



of 2020 (Annexure '2'). It is then submitted that the petitioner has no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but is unable to distinguish the case of this petitioner with that of co-accused who has been granted privilege of anticipatory bail.

In the given facts and circumstances of the case, considering that save and except the statement of the apprehended co-accused no other material is there against the petitioner, he has no criminal antecedent and a similarly situated co-accused has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this case, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Judicial Magistrate Ist Class, Muzaffarpur, in connection with Hathauri P.S. Case No. 242 of 2019, 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.

The application is allowed.

(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'.

