

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25951 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHUA District- Vaishali

RAKESH KUMAR @ SHAHANSHAH Son of Sri Bhagwat Singh Resident
of Village- Mirzanagar, P.S.- Mahua, District- Vaishali, PIN- 844139

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Mahua P.S. Case No. 29 of 2020 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code read with Section 25(1-b)a, 26, 35 of Arms Act.

Learned counsel for the petitioner submits that as per the First Information Report this petitioner has been named by one of the apprehended accused, however, according to him it is a case of false implication and the petitioner was not arrested on the spot, he has no criminal antecedent and in course of investigation no recovery has been made from the house of the petitioner.

Mr. Akhileshwar Dayal, learned APP for the State is present and after going through the case diary, learned APP has pointed out from the statements recorded in paragraph '54' of the case diary that the police had conducted a raid in the house of the



petitioner, no recovery of any incriminating article has been shown from the house of this petitioner. Learned APP has also informed that so far as this petitioner is concerned, no criminal antecedent of the petitioner has been found.

Having regard to the facts and circumstances of the case, wherein the name of the petitioner has been brought in this case on the basis of the statements of the apprehended accused but he has no criminal antecedent and nothing incriminating has been shown recovered from the house in course of search, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Mahua P.S. Case No. 29 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the condition 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 stands 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'.

