

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23545 of 2020

Arising Out of PS. Case No.-883 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

MUNNA RAI @ MUNNA KUMAR YADAV S/o Nageshwar Rai R/o village-
Bakhari, P.S.- Minapur (Panapur O.P.), District- Muzaffarpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-01-2021 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kanti P.S. Case No. 883 of 2019 registered for the offences punishable under Sections 272, 273, 399 and 402 of the Indian Penal Code and Section 25(1-b)a/26/27/35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that save and except that the petitioner has been made accused on the alleged statement of the apprehended persons, there is absolutely no material against him to connect him with the present case. Learned counsel submits that it is a case of over-implication of the accused as the police has named altogether 13 persons saying that those name were disclosed by the apprehended persons as their associates. The submission is that none of the vehicles which were seized by police



on the spot belongs to this petitioner and further that the petitioner has no criminal antecedent and is in no way related to the apprehended persons. In paragraph '12' there is a specific statement that the petitioner has nothing to do with the recovered articles.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but admits that the only material against the petitioner is confessional statement of the apprehended accused.

Having regard to the facts and circumstances of the case, in the nature of allegations and the materials available on the record and that the petitioner has no criminal antecedent, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Kanti P.S. Case No. 883 of 2019 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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'.

