

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23623 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- MOTIPUR District- Muzaffarpur

KAMLESH SAH Son of Umesh Sah Resident of Village - Bakhri, P.S. -
Motipur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-01-2021 Heard learned counsel for the petitioner learned APP
for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Motipur P.S. Case No. 28/2020 registered for the offences punishable under Sections 399, 402 the Indian Penal Code and 25(1-b)a 26 & 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the first information report, the informant got a secret information that some persons assembled with arms and planning for commission of crime near Ratanpura Hanuman Temple. The informant with police officials reached there and on seeing the police party three persons fled away on motorcycle and fourth persons was caught on chase and he disclosed his name Uday Kumar. On search, one country made fire arms and one live cartridge were recovered, and on asking,



he disclosed the name of this petitioner.

Learned counsel for the petitioner submits that nothing has come against this petitioner to show his participation in the alleged offence and the apprehended accused had disclosed the name of the petitioner and on that basis he has been named in the F.I.R.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is that the name of the petitioner has transpired allegedly in the statement of the apprehended co-accused but save and except that there is no material showing that this petitioner was identified by any person on the spot and that no recovery has been made from the house of the petitioner, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Motipur P.S. Case No. 28/2020 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 S.D.J.M. (West), Muzaffarpur, 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. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

