

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33018 of 2020

Arising Out of PS. Case No.-175 Year-2020 Thana- BALIYA District- Begusarai

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Ankit Kumar, male, aged about 19 years, son of Sonelal Rajak @ Yogendra Rajak, resident of village - Chhoti Balia, Hariom Nagar, P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioner and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Balia PS Case No.175 of 2020 dated 30.06.2020, instituted under Sections 399/402/411 of the Indian Penal Code and 25(1-B)/A/26/35 of the Arms Act, 1959.

3. The allegation against the petitioner is that when the police reached the mango orchard of Jamil Mian at Mansoorchak of Chhoti Balia, on secret information that they were planning to commit crime, 10-12 miscreants, who were present with weapons, started running, out of which eight were



caught and four managed to flee and the persons who were caught disclosed that the petitioner was one of the four persons who had run away.

4. Learned counsel for the petitioner submitted that the petitioner has neither been caught with any firearms nor in the act of committing any crime. It was further submitted that the petitioner has no criminal antecedent and has been made accused only due to the statement of co-accused without any legal evidence against him. Learned counsel submitted that the petitioner is in custody since 06.07.2020.

5. Learned APP submitted that the persons, who were caught with weapons, had disclosed that they were planning to commit robbery and the petitioner was one of the four persons who had run away.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in Balia PS Case No.175 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute



bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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