

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7119 of 2021

Arising Out of PS. Case No.-628 Year-2020 Thana- FORBESGANJ District- Araria

RAJ KUMAR @ RAJ KUMAR THAKUR @ SANTOSH @ MANGALA,
SON OF LATE CHANDAN THAKUR, R/O VILLAGE- MAHAVIR
CHOWK, WARD NO.8, FORBESGANJ, P.S.- FORBESGANJ, DISTRICT-
ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

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 Forbesganj P.S. Case No.628 of 2020
registered for the offences punishable under Sections 25(a) (1A)
(1AA) (1B) ab, 26(1)(2) 35 of the Arms Act. Petitioner has one
criminal antecedent as stated in paragraph '3' of the petition in
which he is said to be on bail.

Learned counsel for the petitioner submits that as per
the First Information Report the only allegation against this



petitioner is that he was present at the place of occurrence along with other co-accused where all the accused persons were allegedly enjoying the liquor.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused and there is no allegation of commission of overt act against this petitioner. Learned counsel submits that the recovery of fire-arm has not been made from the possession of this petitioner.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court in which it is not controverted that the only material which has come against the petitioner is the confessional statement of the co-accused which talks of the presence of the petitioner where all the accused persons were allegedly enjoying the liquor, there being no allegation of commission of any overt act against the petitioner and the recovery of fire-arm has not been made from the possession of this petitioner, the petitioner has got one criminal antecedent in which he has been granted anticipatory bail as stated in paragraph '3' of the petition, this Court directs that the petitioner above-named in the event of his



arrest or surrender within a period of four weeks from today in connection with Forbesganj P.S. Case No.628 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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)

arvind/-

U		T	
---	--	---	--

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'.

