

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19891 of 2022

Arising Out of PS. Case No.-349 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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Anjesh Kumar @ Anjesh Kumar Yadav @ Sonu @ Rana, aged about 22
years, Male, S/o Laloo Rai, resident of village Chitariya, P.S. - Kotwa,
District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Motihari Town P.S. Case No. 349 of 2020, registered for the

offences punishable under Sections 399 and 402 of the

I.P.C. and Section 251-b)a, 26 and 35 of the Arms Act.

As per allegation, on secret information that some

miscreants have gathered at a place to commit crime, the

police conducted a raid and apprehended the petitioner and

his associates. On search, one country made pistol, three

live cartridges, one knife and one mobile phone were

recovered from the possession of the apprehended persons.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner was not arrested at the alleged place of occurrence and no recovery has been made from his possession. He further submits that those accused persons, who were arrested at the place of occurrence, have already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 03.06.2021, passed in Cr. Misc. No. 7610 of 2021. He further submits that the petitioner has been languishing in jail since 30.06.2020, i.e., for more than two years.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in earlier three cases, namely, Kotwa P.S. Case No. 147 of 2020, Kalyanpur P.S. Case No. 55 of 2020 and Motihari P.S. Case No. 222 of 2020.

However, the learned APP for the State opposes



the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Motihari P.S. Case No. 349 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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