

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32963 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SURAJ KUMAR S/o Sri Umesh Prasad Resident of Gyatri Mandir Road,
Nazirpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 399, 401,
402, 414 of the Indian Penal Code and Sections 25(1-B)a, 26
and 35 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

The informant alleges that Mintu Kumar @ Aditya
Kumar and Rohit Kumar were arrested and rest of the accused
persons fled away from the place of occurrence on seeing the
police. Further, from Mintu Kumar one pistol and live cartridge
were recovered and three motorcycles were also seized from the



place of occurrence. The arrested accused disclosed the name of the accused persons including the petitioner who fled away on seeing the police.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that name of the petitioner transpired in the confessional statement of co-accused which does not have any evidentiary value in the eye of law. It is next submitted that the petitioner will cooperate in the investigation and will present himself as and when required by the investigating officer of the case.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No. 327 of 2021, subject to the conditions as laid



down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be his father,
namely, Umesh Prasad.

Further, in the event, if the investigating officer of the
case files an application before the learned trial court bringing to
its notice that the petitioner despite giving undertaking before
this Court is not cooperating in the investigation or is not
present himself as and when asked, the learned trial court shall
forthwith cancel the bail bond of the petitioner after recording
reasons and take all coercive steps to ensure that the petitioner is
put behind the bar.

Learned trial court is directed to send a copy of this
order to the concerned police station.

(Satyavrat Verma, J)

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