

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38145 of 2022**

Arising Out of PS. Case No.-236 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

PRATIK SINGH @ KUAR PRATIK SINGH Son of Late Pramod Singh R/O
Adarsh Colony Ward No.- 37, Near M.J.K Collage, P.S.- Bairiya, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42937 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

SHAMBHU SINGH Son of Late Nawal Kishore Singh Resident of Village -
Koiri Tola, P.s.- Bettiah Town, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38145 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 42937 of 2022)

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-12-2022 **CRIMINAL MISCELLANEOUS No.38145 of 2022**

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 143,



384 and 120(B) of the Indian Penal Code and Under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant alleges that on 04.04.2022 at 4:50 pm, she received an information that in Zila Parishad, Bettiah bidding is going on in which some miscreants armed with weapons have assembled to collect ransom and create panic, accordingly, the informant reached the place of occurrence, thereafter, on seeing the police accused persons started fleeing but six of them were apprehended and from their possession arms, dagger etc were recovered as detailed in the FIR, further the apprehended accused disclosed the name of the petitioner who managed to escape.

Learned counsel for the petitioner submits that the petitioner has antecedent of six cases and has been falsely implicated in the present case because of his antecedents, it is next submitted that since petitioner was not present at the place of occurrence then how come the apprehended accused could have taken his name, which amply demonstrates that his name transpired at the behest of the police officials who made the apprehended accused confess the name of the petitioner. Learned counsel next submits



that petitioner is not evading the law rather will cooperate in the investigation and will present himself as and when required by the investigating officer for arriving at the truth.

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 trial court 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 trial court where the case is pending/successor court in connection with Bettiah Nagar P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial Court after giving an opportunity of hearing to



the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

Further, in the event, if charge-sheet is submitted against the petitioner and the learned trial Court comes to a conclusion that petitioner after obtaining anticipatory bail is trying to delay the trial in any manner then also the learned trial Court shall have the liberty to pass orders in accordance with law and also to cancel the bail bonds of the petitioner after recording reasons.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

CRIMINAL MISCELLANEOUS No. 42937 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 143, 384 and 120(B) of the Indian Penal Code and Under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant alleges that on 04.04.2022 at 4:50 pm, she received an information that in Zila Parishad, Bettiah bidding is going on in which some miscreants



armed with weapons have assembled to collect ransom and create panic, accordingly, the informant reached the place of occurrence, thereafter, on seeing the police accused persons started fleeing but six of them were apprehended and from their possession arms, dagger etc were recovered as detailed in the FIR, further the apprehended accused disclosed the name of the petitioner who managed to escape.

Learned counsel for the petitioner submits that the petitioner has antecedent of three cases and has been falsely implicated in the present case because of his antecedents, it is next submitted that since petitioner was not present at the place of occurrence then how come the apprehended accused could have taken his name, which amply demonstrates that his name transpired at the behest of the police officials who made the apprehended accused confess the name of the petitioner. Learned counsel next submits that petitioner is not evading the law rather will cooperate in the investigation and will present himself as and when required by the investigating officer for arriving at the truth.

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 trial court 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 trial court where the case is pending/successor court in connection with Bettiah Nagar P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

Further, in the event, if charge-sheet is submitted against the petitioner and the learned trial Court comes to a conclusion that petitioner after obtaining anticipatory bail is



trying to delay the trial in any manner then also the learned trial Court shall have the liberty to pass orders in accordance with law and also to cancel the bail bonds of the petitioner after recording reasons.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

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

