

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39137 of 2022**

Arising Out of PS. Case No.-76 Year-2022 Thana- MADANPUR District- Aurangabad

Shankar Kumar, Son Of Fulchand Yadav Resident Of Village- Sowal, Tola
Bishunpur, P.S.- Tekari , District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Prem Kumar Jha

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

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26(ii) and 35 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is an Army-man and the informant alleges that on the basis of secret information, the informant reached the place of occurrence and apprehended six accused persons along with Scorpio vehicle from which loaded pistol was recovered along with mobile and money.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would



manifest that petitioner was not arrested from the spot. It is next submitted that petitioner is posted as Lance Hawaldar (Nayak) at Armed Corps Training Centre, Ahmad Nagar with the Indian Army. It is next submitted that the petitioner was the owner of the vehicle in question from which, the alleged arms were seized, but then he has sold the vehicle on 18.02.2021/ 19.02.2021 to one Akhilesh Kumar for Rs.10 Lacs, for which stamp sale letter supported by affidavit before the notary public was also executed. The learned counsel submits that since the vehicle was on loan, as such, after selling the vehicle, the petitioner was paying the E.M.I. to clear the loan to the finance company. It is next submitted that since petitioner had already sold his vehicle as aforesaid, hence he had absolutely no concern with the vehicle after 19.02.2021. It is also submitted that petitioner is an Armyman and without proper investigation came to be implicated merely because the vehicle was in his name.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Madanpur P. S. Case No.76 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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