

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60243 of 2022**

Arising Out of PS. Case No.-347 Year-2022 Thana- RAXAUL District- East Champaran

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MUKESH KUMAR Son of Late Barelal Sah @ Badelal Sah R/o Raxaul, P.S.-
Raxaul, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 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 504 and 506 of the Indian Penal Code and Section 25(9) of the Arms Act.

The informant alleges that he saw a viral picture in which Sonu and Shrawan were identified by the Chowkidar who were holding arms and petitioner and other accused persons were also in the picture, it is next alleged that the accused persons including the petitioner indulged in land grabbing

Learned counsel for the petitioner submits that the petitioner has antecedents of seven cases, it is next submitted that no doubt petitioner has antecedents but then the allegation



in the present case is that he was also seen along with Sonu and Shrawan carrying gun, it is further submitted that petitioner is not alleged to have been carrying any weapon in his hand. Learned counsel next submits that merely because petitioner has antecedent it should not be construed that he is not entitled for anticipatory bail but the nature of allegation as alleged in the FIR is to be seen. Learned counsel next submits that petitioner will cooperate in the investigation as and when called by the investigating officer that is the petitioner will present himself as and when required before the investigating officer.

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. 10,000/- (Rupees Ten 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 Raxaul P.S. Case No. 347 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 despite giving undertaking before this Court that the petitioner will present himself before the investigating officer is not presenting himself before the investigating officer as and when required, the learned trial Court shall forthwith cancel his bail bonds and take all coercive steps to ensure that he is behind bars after recording reasons.

(Satyavrat Verma, J)

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