

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8111 of 2023

Arising Out of PS. Case No.-475 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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CHANDAN KUMAR, aged about 22 years, Male, S/o D.N. Singh @ Dev
Narayan Singh, R/o village- Ward No. 2, Lohargir Deeh, P.S.- Ujiarpur, Distt-
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dharendra Kumar, Advocate

For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Samastipur (Muffasil) P.S. Case No. 475 of
2022 for the offence registered under Sections 279, 337,
338 of the I.P.C., Section 37(c) of the Bihar Prohibition and
Excise (Amendment) Act, 2022 and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution story, in brief, is that on
22.10.2022, three persons caused an accident to a child.
One of them, namely, Kundan Kumar, who created nuisance
under influence of liquor and threatened to shoot the people



was arrested and he disclosed the name of absconding persons as Rakesh Kumar and Chandan Kumar (petitioner). One loaded country made pistol alongwith two live cartridges was also recovered from his possession.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner after causing accident to a child, fled away from the place of occurrence and his friend, namely, Kundan Kumar, was arrested on the spot with arms in inebriated condition. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in



*Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.)
No. 3005 of 2022 (Sweta Kumari-Versus-The State of
Bihar).*

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1, Samastipur or concerned court where the case is pending, in connection with Samastipur (Muffasil) P.S. Case No. 475 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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