

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13292 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- MINAPUR District- Muzaffarpur

1. CHANDAN KUMAR Son of Pramod Sahni @ Pramod Kumar Sahani R/v-
Madhuwan Kanti, P.S.- Minapur, District- Muzaffarpur
2. DEEPAK KUMAR Son of Suresh Sahani R/v- Bara Bharati , P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners as well as
learned APP for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 399, 402, 400, 401/34
of the Indian Penal Code and 25(1-b) A, 206, 35 of Arms Act.

Allegedly, police recovered arms and ammunition from
co-accused persons. The co-accused persons disclosed the name
of the petitioners that they were planning to commit loot.

It is submitted by learned counsel for the petitioners that
petitioners are quite innocent and have committed no offence.
They have been falsely implicated in this case. No such
occurrence, in the manner as alleged, has ever taken place. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no recovery from the conscious possession of the petitioners, they were not named in the FIR. Their name transpired in the present case on the basis of confessional statement of apprehended co-accused. There is no material evidence against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as the petitioners have no criminal antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** 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 Minapur P.S. Case No.289 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned Court below is directed to verify the



criminal antecedent of the petitioner, if it is found that the petitioner has criminal antecedent then his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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