

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17495 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- KANTI District- Muzaffarpur

PHULTAN @ NAVEEN THAKUR @ NAVIN PRAKASH @ FULTAN Son
of Raju Thakur @ Raj Kishore Singh R/V- Arra (Shekkahi), P.S.- Kanti
Panapur O.P., District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Kanti P.S. Case No.75 of 2022 instituted under Sections
25(1-B)a, 26, 27, 35 Arms Act and Section 37(c) of Bihar
Prohibition and Excise Act lodged on 06.02.2022 by the
informant Raju Kumar Pal.

As per the prosecution story, informant, Raju Kumar
Pal, ASI of Kanti PS has lodged the FIR against the accused
persons including this petitioner under aforesaid sections. The
informant has alleged that he got secret information that some
unknown miscreants have injured Guddu Kumar. (Khalasi of
Truck bearing registration no.BR-06G-06099) near Narsanda
bridge. As the, over which he along with police force proceeded
on the way, near Sherna Chowk. they saw one Breeza Car and



motorcycle going in opposite direction which were intercepted by the police. They tried to escape but the police managed to caught hold of the car while the motorcyclist succeeded in fleeing away. On search of the body of Sonu Kumar, who was sitting in the Car, one pistol and two Cartridge of 7.65 Bore were recovered from his pocket. Upon query about the Arms and ammunition from the persons sitting in the Car. Sonu Kumar, Ajit Kumar, Akash Kumar, they could not give satisfactory reply.

The smell of liquor was coming from the mouth of Sonu Kumar and Ajit Kumar. The Khalasi was injured by the pellet of 7.65 Bore, which was recovered from the possession of Sonu Kumar, as the smell of firing was coming out from the recovered pistol. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the police intercepted the car and the motorcycle and had arrested Sonu Kumar and Ajeet Kumar and on his confession his name has come. He had no role to play.

Learned APP on the other hand, opposes the prayer stating that they opened fire on the Khalasi and the police when arrested was in inebriated state and illegal arms were also recovered and they have named this petitioner.



Considering the fact that his name has come in the confessional statement of the co-accuseds and will have to face the music, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kanti P.S. Case No.75 of 2022 to the satisfaction of learned Excise Spl. Judge Excise Court No.II, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iv) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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