

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19288 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- BANMANKHI District- Purnia

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1. Rahul Kumar S/O Rajendra Ram, Resident of village- Sonapur Tethrahi, P.S.- Janki Nagar, District- Purnea (Bihar).
 2. Sarwan Kumar @ Shrawan Kumar Ram S/O Pankaj Ram, Resident of village- Raniganh, Burbana, P.S.- Raniganj, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
		Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-06-2023 At the outset, learned counsel for the petitioners submits that petitioner no. 1 has been arrested, hence, this application has become infructuous with respect to petitioner no. 1.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioner no. 2 in the present case is seeking pre-arrest bail in connection with Banmankhi P.S. Case No. 282 of 2022 registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code, later on Section 395 of the Indian Penal Code was also added. Petitioner no. 2 has no criminal antecedent.

Learned counsel for the petitioner no. 2 submits that



informant in his fardbeyan alleged that five unknown miscreants have looted his motorcycle on the point of pistol while he was going to his sasural on 20.08.2022.

Learned counsel for petitioner no. 2 submits that the petitioner no. 2 is not named in the FIR. He has been implicated in this case on the basis of the confessional statement of the co-accused, who has already been granted bail by learned court below. Petitioner no. 2 has otherwise no criminal antecedent.

It is further submitted that the petitioner no. 2 is presently seriously ill and is undergoing treatment for some serious disease in M. M. Institute of Medical Science and Research, Mullana, (Ambala), Haryana.

Learned APP for the State has though opposed the prayer for pre-arrest bail of petitioner no. 2 but considering the entire facts and circumstances of the case, this Court directs that in case of his arrest/surrender within a period of eight weeks from today, let the petitioner no. 2 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 282 of 2022, subject to the conditions as laid down under Section 438 (2) of the



Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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