

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16455 of 2023

Arising Out of PS. Case No.-758 Year-2022 Thana- GARKHA District- Saran

ANUP KUMAR SINGH S/O- Dilip Singh @ Dilip Kumar Singh Village-
Balua Ps- Jalalpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Garkha P.S. Case No. 758 of 2022 for the offence registered under Sections 399 and 402 of the Indian Penal Code and section 25(1-b)A, 26 and 35 of the Arms Act. lodged on 03.12.2022 by the informant, Asutosh Kumar Singh.

The prosecution case, in brief, is that one Ashutosh Kumar Singh S.1 of Garkha Police Station submitted his typed application before the S.H.O Garkha Police Station alleging therein that on 03.12.2022 in the morning, he departed from the police station for patrolling and to maintain law and order along with other police constable. In the meantime at Alony Bazar Chock he received secret information that some criminals are to



commit crime near Mihiya Jasosati pond. It is further alleged that the informant with police party reached at the place of occurrence at 8.45 A.M. However, on seeing police party, the criminals tried to fled away but police caught them while one criminal managed to escape. On interrogation, all five criminals caught by the police disclosed their names and addresses and further disclosed the name of petitioner, Anup Kumar Singh as the person who escaped. Police party searched them and found country made pistols, cartridges, Mobile phones etc. from the possession of the criminals and seizure list prepared and the miscreants have been taken into custody. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that the name of the petitioner has cropped up in the confessional statement of other co-accused and nothing has been recovered from his possession. Further submission is that the petitioner is ready to abide all the terms and conditions as imposed by this Court.

Learned APP for the State opposes the prayer for bail.

Considering the fact that his name has come in the confessional statement of co-accused persons and nothing has been recovered from his possession, this Court is inclined to grant him privilege of bail with strict conditions:-



Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Garkha P.S. Case No. 758 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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;

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

(vi) 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 his bail bonds;

(vii) 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)

Jagdish/Neha/-

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