

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22580 of 2023

Arising Out of PS. Case No.-305 Year-2017 Thana- LALGANJ District- Vaishali

Raj Kumar @ Raj Kumar Mahto S/O Late Shardanand Bhagat R/O Village-
Ghataro, P.S- Kartaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is apprehending his arrest in connection with Lalganj P.S. Case No. 305 of 2017, registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code (for brevity 'IPC') and Sections 25(1-b)a, 26, 35 of the Arms Act.

Police has received information regarding assembling of some anti-social elements with a female who are likely to commit an offence, has proceeded to the place from where three (3) persons have fled away on motorcycle whereas one male and female have been apprehended, who were also on motorcycle and were about to flee. There is recovery of arms from the two



(2) persons, who have been apprehended, namely, Sanjeev Kumar and Hina Khatoon.

Learned counsel for the petitioner submits that petitioner's implication is founded on statement of the two (2) apprehended persons recorded in police custody. There is no recovery from the petitioner of any incriminating material and they have not committed any offence whatsoever, even as per allegations made in the First Information Report (for brevity 'FIR'). In fact petitioner's implication is only based on his criminal antecedents, arising out of Lalganj P.S. Case No. 241 of 2015.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of petitioner's implication founded on statement of co-accused, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 305 of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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