

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24647 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- RAJAOLI District- Nawada

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RITESH KUMAR, Son of Lalan Prasad, Resident of Kumhrar, Talav Par,
B.S. Colony, P.S.- Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr.Akshay, Advocate
For the Opposite Party/s :		Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned senior counsel for the petitioner and

learned APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Rajauli P.S. Case No. 76 of 2022 registered for offence
under Sections 25(1-b)a and 26 of Arms Act.

As per prosecution case, there is recovery of 100 live
cartridges in ten packets from a passenger in a bus. The
passenger namely Shivnath Prasad Kushwaha has named the
petitioner as being a party to the illegal trade in ammunition.

Learned senior counsel for the petitioner submits that
on the basis of confessional statement of co-accused only, the
petitioner has been implicated. The same has no evidentiary
value and under such circumstances, having no antecedents, the



petitioner is apprehending his arrest. Even as per prosecution case, there is no incriminating material from the petitioner and the person from whom the recovery was made has already been arrested.

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

Having regard to the nature of petitioner's implication, his clean antecedents and submissions above, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory 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 Additional Chief Judicial Magistrate-I, Nawada, in connection with Rajauli P.S. Case No. 76 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the 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)

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