

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28098 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- KOILWAR District- Bhojpur

1. Vishnu Rai Son Of Shri Bhagwan Rai R/O-Salik Gram Singh Ke Tola (Neknam Tola), P.S.-Barhara, Distt.-Bhojpur
3. Bhuar Rai Son Of Ramanuj Rai R/O-Salik Gram Singh Ke Tola (Neknam Tola), P.S.-Barhara, Distt.-Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Koilwar P.S. Case No. 546 of 2022 registered for the offences punishable under Sections 386, 387, 414, 120(B)/34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. Petitioner no. 1 has got no criminal antecedent whereas petitioner no. 2 has two criminal antecedents and in both the cases, he is on bail.

As per the prosecution story, the informant received a secret information that some miscreants have assembled at Mahui Sone Balu Ghat to commit crime. On this information, the informant along with other police personnel reached there and on seeing police personnel, 20-25 miscreants started fleeing away but



one Lalis Rai was apprehended and on search from his possession, a single barrel rifle, magazine and one pouch containing 79 cartridges were recovered and from the boat, four rifles and two pouches containing 23 and 44 live cartridges were recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the names of these petitioners has transpired in the confessional statement of the co-accused.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the names of these petitioners have transpired in the confessional statement of co-accused, on noticing that submission and further considering that petitioner no. 1 has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, petitioner no. 1 above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Bhojpur at Ara in connection with Koilwar P.S. Case No. 546 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. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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.

So far as petitioner no. 2 is concerned, not only his name has transpired in the confessional statement but he is also having two criminal antecedents of serious nature, hence, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 2.

The prayer for anticipatory bail of petitioner no. 2 is, thus, refused.

In case petitioner no. 2 surrenders and prays for regular bail within four weeks from today in the court below, his prayer for bail shall be considered without being prejudice by the order of this Court.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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