

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36949 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- MAHUA District- Vaishali

Abhishek Kumar @ Bojha S/O Ram Pravesh Ray @ Sadhu Ray R/O Village-
Kajari Bujurg, P.S.-Jandaha, Dist.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 360 of 2022, registered for the offences
punishable under Sections 399, 402 and 414 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

The prosecution case as emerging from the FIR is
that on 26.05.2022 the S.H.O., Mahua got secret
information that some miscreants are planning to commit
crime, sitting in the orchard of Chakkajiniyam. Later, when
the police personnel reached there, all miscreants started to



flee but four of them were caught and on search one loaded country made pistol, knife and other incriminating articles were recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. He further submits that the petitioner was not arrested on spot and nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 12.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in seven other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Mahua P.S. Case No. 360 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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