

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40638 of 2023**

Arising Out of PS. Case No.-61 Year-2023 Thana- LAURIA District- West Champaran

Rajkapur Giri, S/O Sri Amerika Giri, R/O Village- Sikta Kala, P.S. Jogapatti  
(Shanichari), Dist. West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      28-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner in the present case is seeking pre-arrest bail in connection with Lauriya P.S. Case No. 61 of 2023 registered for the offences under Sections 399, 402, 413, 414 of the Indian Penal Code and 25(1-B)(a)/26/35 of the Arms Act, 1959. He has no criminal antecedent.

3. As per the prosecution story, on 11.03.2023 at about 10:45 P.M. the informant received a secret information that about seven to eight culprits assembled in a garden near Balram Petrol Pump are planning to commit crime. The informant reached the said place along with some other police personnel but after seeing the light of police vehicle, all the miscreants tried to escape. At the said place, two accused persons namely Sonu Kumar and Sahajad Alam were apprehended from whose



possession, a country-made pistol, two live cartridge and mobile phones were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the name of this petitioner has transpired in the confessional statement of apprehended co-accused.

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

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was not arrested on spot, his name has come in the statement of apprehended accused Sonu in police custody and he has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Lalganj P.S. Case No. 61 of 2023 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 Additional Chief Judicial Magistrate-1, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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