

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40184 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- KALYANPUR District- Samastipur

Laxman Kumar, aged about 25 years, Male, Son of Ramchandra Chaudhary,
Resident of Village- Ladaura, P.S.- Kalyanpur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Binod Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Humayou Ahmad Khan,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kalyanpur P.S. Case No. 20 of 2023 registered for the
offence punishable under Sections 399, 402 of the Indian Penal
Code and Section 25(1-b)(a), 26, 35 of the Arms Act.

3. As per the allegation made in the FIR, the accused
persons named in the FIR including the petitioner were planning
to commit offence. On seeing the police force, they had fled
away. Arms were recovered from the accused persons who were
apprehended on the spot.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Petitioner was not apprehended on the spot. Name of the petitioner has surfaced on the basis of confessional statement made by co-accused, who was apprehended on the spot. Nothing has been recovered from physical or conscious possession of the petitioner. Petitioner is not involved in any manner in the planning to commit offence. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, petitioner was not apprehended on the spot. Name of the petitioner has surfaced on the basis of confessional statement made by one co-accused namely Ritik Soni, who was apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Judicial Magistrate 1st Class, Samastipur, in connection with Kalyanpur P.S. Case No. 20 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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