

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38730 of 2023**

Arising Out of PS. Case No.-747 Year-2022 Thana- MAHUA District- Vaishali

Bhola Kumar, Son of Balli Rai, Resident of village - Bishunpur Madhaul,
P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pratima Kumari, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

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

2. In the present case, the petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 747 of 2022, registered on 30.11.2022 for the offences under Sections 414/34 of the Indian Penal Code and Sections 25(1-b), a, 26/35 of the Arms Act.

3. As per prosecution case, police received secret informant about some suspicious looking youths coming to the Registry Office, Gola Road for committing some crime. The police surrounded the miscreants and co-accused Vivek Kumar was apprehended and from his possession a country made pistol was recovered but two miscreants fled away from the spot. On



the basis of disclosure of the co-accused, the petitioner and another co-accused Vinod Kumar were made accused in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioner has no concern with the apprehended co-accused and except for confessional statement of the co-accused nothing has come against this petitioner. The petitioner was not present at the spot at the time of occurrence. The registration certificate of the motorcycle was annexed at the time of filing of the bail petition of co-accused Vivek Kumar so it is not a stolen motorcycle. Petitioner is having clean antecedent. Similarly placed co-accused, namely Vivek Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 16164 of 2023.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of material against the petitioner along with probability of false accusation and also considering the grant of



bail to similarly placed co-accused person, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur/court concerned in connection with Mahua P.S. Case No. 747 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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