

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39129 of 2023

Arising Out of PS. Case No.-565 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAJESH KUMAR SON OF LATE RAMADHAR SINGH RESIDENT OF
VILLAGE- LAKHO, POLICE STATION- LAKHO, DISTRICT
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case, it is next submitted that
for the same occurrence, two F.I.Rs have been instituted. It is
next submitted the present F.I.R. (Lakho P.S. Case No. 565 of
2022) was instituted under the Excise Act and the other F.I.R.,
i.e. Lakho P.S. Case No. 564 of 2022 was instituted under the
Arms Act. It is next submitted that since it was alleged that 8
live cartridges, two magazines etc. along with 100 ml liquor was



recovered, as such, two different F.I.Rs came to be instituted. It is further submitted that earlier anticipatory bail application of the petitioner was rejected by order dated 10.05.2023 in Criminal Miscellaneous No. 18153 of 2023 on the premise that arms and ammunition were recovered from the house of the petitioner, when the present F.I.R. in which the petitioner was seeking anticipatory bail was only with respect to Excise case. It is next submitted that petitioner has filed the present second anticipatory bail, as the F.I.R. was only with respect to Excise Act and the petitioner was not apprehended from the spot, as such nothing was recovered from his conscious possession. It is further submitted that petitioner is availing his remedy available in law with respect to Lakho P.S. Case No. 564 of 2022 i.e. the F.I.R. with respect to Arms Act which is pending adjudication before the learned District Judge, Begusarai. It is further submitted, at the cost of repetition, that the anticipatory bail application of the petitioner was rejected on the premise that arms and ammunition were recovered when it is not the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Begusarai Muffasil (Lakho) P.S. Case No. 565 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Let a copy of this order be sent to the learned Trial Court expeditiously and the learned Trial Court shall forward a copy of this order to the learned District Judge forthwith.

The personal appearance of the Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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