

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40817 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- ROSERA District- Samastipur

Prince Kumar @ Prins Kumar, S/O Praveen Chourasiya @ Pravin Choursiya,
R/O Village- Diyanathpur P.S. Bibhutipur Dist. Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Rosera P.S. Case No. 381 of 2022 registered for the offences under Sections 399, 402 of the Indian Penal Code and Section 25(1-B)a, 35 of the Arms Act. He has no criminal antecedent.

3. As per the prosecution story, on 10.11.2022 at about 05:00 P.M. the informant got a secret information about some miscreants having assembled near Muktidham, Rosera Mahthi bridge armed with deadly weapons. When the informant along with other police personnel reached there, all the accused persons tried to escape but two persons, namely, Badal Singh and Pawan Kumar were apprehended who disclosed the name of other accused persons including this petitioner. The informant



seized one country-made pistol and one live cartridge from the possession of Badal Singh and one country-made pistol from Pawan Kumar. One bag was also lying there from which two country-made pistols and one iron-made pistol was 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 the 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 has not been arrested on spot, his name has come on the basis of statement of apprehended accused, 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 Rosera P.S. Case No. 381 of 2022 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-I,



Rosera, Samastipur, 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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