

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40911 of 2023

Arising Out of PS. Case No.-178 Year-2018 Thana- ASHTHAWAN District- Nalanda

1. Rajeev Kumar S/O- Late Jago Mahto, Village- Parvati P.S.- Kashichak Dist- Nawada
2. Chiku Kumar son of Rmchandra Prasad, Village- Parvati P.S.- Kashichak Dist- Nawada
3. Mantu Kumar son of Brijnandan Prasad Village- Parvati P.S.- Kashichak Dist- Nawada

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. At the outset, learned counsel for the petitioners seeks permission to withdraw this application on behalf of Chiku Kumar (petitioner no. 2) who has already been arrested. Now the application survives in respect of petitioner nos. 1 and 3 only.

3. The petitioners in the present case are seeking pre-arrest bail in connection with Asthawan P.S. Case No.- 178 of 2018 registered for the offences punishable under Section 341, 323, 394, 504, 34 of the Indian Penal Code. They have got one criminal antecedent.



4. Learned counsel for the petitioners submits that on 12.06.2018 the informant was surrounded by some people on two motorcycles. They then pointed pistol on him and looted him of his motorcycle key, mobile phone, Rs. 10,000/- from his pocket and several other things.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners have been dragged in this case on the basis of confession given by co-accused Saarvottam Kumar in Sare P.S. Case No. 106/2018.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein these petitioners are not named in the FIR, the alleged occurrence took place on 12.06.2018 but the complaint petition was filed on 21.06.2018, the name of these petitioners transpired in the confessional statement of co-accused Saarvottam Kumar and at this stage, it is submitted that the parties are known to each other and they have filed a compromise petition, there is no recovery from these petitioners save and except the name of the petitioners coming in the confessional statement, there is no other material against them,



this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named except petitioner no. 2 shall be enlarged on bail in connection with Asthawan P.S. Case No.- 178 of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. VI, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no. 2) and in case, at any stage, it is found that the petitioners (except petitioner no. 2) have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 2). 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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