

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41818 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- MADHEPURA District- Madhepura

RAUSHAN KUMAR SON OF TULAKANTA YADAV R/O VILLAGE-
DINAPATTI PADRIYA, WARD NO.02, P.S.- MADHEPURA (BHARRAHI
O.P.), DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 221 of 2023 registered for the offences punishable under Sections 25(1-B)A, 26, 35 of the Indian Penal Code.
3. As per prosecution case, there is alleged recovery of one loaded country made Katta from the possession of co-accused Vivek Kumar. Apprehended co-accused Vivek Kumar disclosed the name of present petitioner and other who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel further submits that name of present petitioner has been transpired on the basis of confessional statement of co-accused Vivek Kumar. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand)



with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 221 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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