

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47534 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- JAMOBABAZAR District- Siwan

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VISHAL SINGH Son of Raj Kamal Singh Resident of village - Jasauli, P.S. -
Pachrukhi, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection with Jamo Bazar P.S. Case No. 35 of 2023 for the offence registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 03.03.2023 by the informant, Raju Kumar.

As per the prosecution story, the police upon information that accused persons have gathered in a mango ‘orchard’ and planning to loot reached the place and apprehended some accused persons while others managed to escape. From Ujjawal Singh, one country made revolver and a



live cartridge were recovered from his pant's pocket, while from Akshay Kumar Sah, one live cartridge was recovered and upon demand of papers, could not produce anything. Accordingly, they were arrested and they named these persons including the petitioner and further disclosed that they had committed a loot of Rs. 4.25 lakhs from a C.S.P. Accordingly, the FIR.

Learned counsel for the petitioner submits that the recovery/seizure is/are attributed to the two accused persons arrested and only due to enmity, his name has come. Further, he is ready to abide by all the terms and conditions, if granted relief.

He further submits that similar situate co-accused, Dharendra Pratap Singh @ Poli Singh has since been granted anticipatory bail vide order dated 04.08.2023 passed in Cr. Misc. No. 41919 of 2023.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the petitioner's name has came in the confessional statement, similarly situate co-accused has since been granted anticipatory bail, the recovery/seizure is attributed to other accused persons, ultimately will have to face



the trial as the FIR lodged, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Siwan in connection with Jamo Bazar P.S. Case No. 35 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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