

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50859 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- JALALPUR District- Saran

Rakesh Kumar Son of Ram Bahadur Singh Resident of village - Dhobwal,
P.S.- Khaira, District – Saran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Ms. Alka Panday, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jalalpur P.S. Case No. 314 of 2022 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act. He has got one criminal antecedent.

3. As per the prosecution story, the informant along with other police officials, on secret information, raided the house of co-accused Shashikant Kuwar where on seeing the police party, two persons tried to flee away but one of them got apprehended who disclosed his name as Shashikant Kuwar and the name of his associate as Rakesh Kumar (petitioner). On search, one loaded pistol with three live cartridges were recovered from the possession of the apprehended co-accused and one country-made pistol and five cartridges were recovered



from the house of the co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no recovery of arms either from the possession of the petitioner or from his house.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused but there is no recovery of arms either from the possession of the petitioner or from his house and he was not seen at the alleged place of occurrence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Jalalpur P.S. Case No. 314 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 A.C.J.M.-13, Saran at Chapra, 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 allowed.

(Rajeev Ranjan Prasad, J)

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