

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47542 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

GOVIND KUMAR @ GOVINDA KUMAR SON OF PRAMOD RAM @
PRAMOD KUMAR VILLAGE KATHDIHRI, PS- SASARAM (MUF.),
DIST- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard Mr. Vikram Deo Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Sasaram (Muf.) P.S. Case No. 440 of 2022 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 04.09.2022 by the informant, Brajesh Kumar Singh.

As per the prosecution story, five persons on two motorcycles were moving. Upon interception, others escaped while one Sonu Kumar was apprehended and three live cartridges were recovered from his pocket alongwith a mobile phone. He gave the name of the persons escaped, petitioner being one of them. Accordingly, the FIR.



It is the case of the learned Counsel for the petitioner that admittedly, the recovery is from Sonu Kumar and only because he chose to drag the other persons of locality including the petitioner herein, his name has cropped up. It is his further submission that the petitioner do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that his name has come in the confessional statement of Sonu Kumar.

Considering the fact that the person arrested was Sonu Kumar, the recovery was from him, this petitioner do not have criminal antecedent and his name has come in the confessional statement of the accused persons, 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 Chief Judicial Magistrate, Sasaram (Rohtas) in connection with Sasaram (Muf.) P.S. Case No. 440 of 2022 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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