

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54735 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Raju Kumar @ Raju Ray S/O Baldev @ Baldev Ray R/O Village- Rupouli,
P.S- Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Musrigharari P.S.
Case No. 165 of 2022 registered for the offences punishable
under Sections 399/402 of the Indian Penal Code and Sections
25(1-b)/26/35 of Arms Act.

4. The allegation against the petitioner is to involve in
preparation for committing dacoity alongwith other co-accused



persons, where other apprehended co-accused persons were found in possession of one loaded country made pistol alongwith live cartridges.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and no firearms were recovered from his possession. It is pointed out that mere on the basis of disclosure of apprehended co-accused persons, namely, Rahul Kumar, son of Ram Bharos Das and another co-accused Rahul Kumar, son of Shivji Rai, this petitioner implicated with present case. It is also pointed out that on the same very day a Musrigharari P.S. Case No. 166/2022 was lodged against this petitioner, which also suggest implication of this petitioner only due to police atrocities.

6. Learned APP opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances, as save and except suspicion arises out of disclosure made by apprehended co-accused persons, nothing incriminating appears against this petitioner, let above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to 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 the learned J.M. 1st



Class, Samastipur/concerned Court, where the case is pending in connection with Musrigharari P.S. Case No. 165 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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