

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53488 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- MUSRIGHRARI District- Samastipur

KRISHNADEO RAM @ KISHUN RAM SON OF BASUDEV RAM
RESIDENT OF VILLAGE- LAT BASEPURA, PS- MURSRIGHARAI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail
in connection with Musrigharari P.S. Case No.92 of 2023,
registered for offences under Section 25(1-B) of the IPC and
Section a/26 of the Arms Act.

The case of the prosecution, according to the
informant, who is Sub-Inspector of police, posted at P.S.
Musrigharari is that while he was conducting further
investigation in connection with one another case bearing
Musrigharai P.S. Case No.118 of 2018, dated 18.08.2018,
wherein the informant of the said case had alleged that six
persons, riding on three motorcycles had arrived at the house of



the informant of the said case and engaged in abusing the informant as also had pointed pistol on the informant of the said case, however, the co-villager had assembled there, whereafter two miscreants, namely, Mukesh Kumar and Rahul Kumar were arrested and from their possession one country made pistol, alongwith one live cartridge was recovered, it transpired that the said Mukesh Kumar was not carrying any arms and in fact the informant of the said case, namely, Krishnadeo Ram, i.e. the petitioner herein and other villagers had circumspectly planted pistol alongwith one live cartridge and had got the said Mukesh Kumar arrested by the police alongwith the said pistol. It has been thus alleged by the informant that the petitioner had falsely implicated the said Mukesh Kumar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that facts of the case, as narrated by the informant would itself show that the informant has not filed the FIR with clean hands and is trying to falsely implicate the petitioner herein inasmuch as in the earlier case i.e. Musrigharari P.S. Case No.118 of 2018, the police itself had prepared the seizure list



and shown recovery of the pistol alongwith one live cartridge from the aforesaid Mukesh Kumar, as also had, upon thorough investigation found the case to be true and had thus submitted the chargesheet against the accused person, namely, Mukesh Kumar and Rahul Kumar, thus after a lapse of five years, the Investigating Officer cannot turn around to falsely implicate the petitioner herein, which definitely smacks of ulterior motives on the part of the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that after a lapse of five years, the petitioner is being sought to be implicated in connection with a case, wherein the police has already concluded the investigation and filed a chargesheet against the accused persons including one Mukesh Kumar, who is the main accused, from whose possession one pistol alongwith one live cartridge was recovered, on the allegation of circumspectly planting arms and falsely implicating the said Mukesh Kumar, which clearly smacks of ulterior motives on the part of the



informant, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned I/C Judicial Magistrate, 1st Class, Samastipur, in connection with Musrigharari P.S. Case No.92 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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