

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57358 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- SAHIYARA District- Sitamarhi

Amresh Kumar @ Dipak Kumar S/O Indrajeet Singh R/O Village- Jalsi, P.S-
Sahiyara, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 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 Sahiyara P.S. Case No. 142 of 2022 registered for the offences punishable under Sections 399, 402, 120(B), 34 of the Indian Penal Code and Sections (1-b) a, 26, 35 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 09.10.2022 at about 05:00 P.M. the informant got a secret information of some criminal activity at the house of Dhirendra Singh. The informant along with other police personnel surrounded his house whereafter 7-8 miscreants tried to escape. With the help of armed police force five persons were arrested from the said place and two managed to escape. From Dhirendra Singh on loaded pistol with five live cartridges and two smart phones



were recovered. From other accused persons some deadly weapons along with mobile phones were also recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of the apprehended co-accused. It is further submitted that nothing has been recovered from his possession.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the statement of the apprehended accused, however, the petitioner has no criminal antecedent and nothing has been recovered from his possession and he has been falsely implicated in this case, 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 Sahiyara P.S. Case No. 142 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 Judicial Magistrate 1st Class, Sitamarhi, 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 disposed of accordingly.

Lekhi/-
Jyoti/-

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(Rajeev Ranjan Prasad, J)

