

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62573 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

SUJIT KUMAR RAI @ SUJEET RAI @ SUJIT KUMAR son of Vijadhar
Rai @ Bijadhar Prasad Village- Turkwalia Ps- Mufassil Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Learned counsel for the petitioner submits that the offence under Section 27 of the Arms Act has escaped mention in paragraph No. 1 of the anticipatory bail application due to inadvertent typographical error.

3. In view of such submission on behalf of the petitioner's counsel, the Court would allow the learned counsel to add the said Section in paragraph No. 1 of the anticipatory bail application.

4. The petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. case No. 263/2023 registered for the offence punishable under Sections 341, 323, 307, 353, 506, 332, 333, 34 of the Indian Penal Code and



Section 27 of the Arms Act.

5. For arresting co-accused Jai Prakash Rai, the police party arrived at the venue of the cricket match and he was apprehended. He fled subsequently with the help of his associates including the petitioner.

6. The learned counsel for the petitioner submits that by virtue of his presence to witness the cricket match, the petitioner has been implicated in this case as per the alleged statement of co-accused Prem Shankar Prasad recorded in custody. The petitioner has no antecedent. The submission is that the petitioner is a victim of the circumstance.

7. Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that the co-accused Jai Prakash Rai, while fleeing away, fired upon the police party though no injury has been sustained by anyone.

8. Considering the rival submissions, the nature of allegations, petitioner's clean antecedent and manner in which the petitioner has been implicated, noted above, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

9. Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Chapra Muffasil P.S. case No. 263 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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