

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60425 of 2023

Arising Out of PS. Case No.-347 Year-2019 Thana- FATUA District- Patna

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1. Chotu Yadav@ Chhotu Yadav Son Of Lt. Tika Gope
 2. Andu Gope @ Santosh Gope Son Of Ram Ishwar Prasad
 3. Chhotu Yadav Son Of Baijnath Yadav
- All Resident Of Village- Kalyanpur, Ps- Fathua, Dist- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fathua P.S. Case No.347 of 2019, F.I.R. dated 30.03.2019 registered for the offence punishable under Section 25(1-b)a/26 and 35 of the Arms Act.

3. As per the prosecution story, the informant along with other officials raided the house of one Pramod Paswan, many incriminating articles have been recovered.

4. Learned counsel for the petitioners submit that



petitioners have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and during the course of investigation their names have been transpired in this case on the basis of the confessional statement of co-accused namely, Tuntun Yadav @ Langra. He further submits that from perusal of the FIR, it appears that nothing has been recovered from the conscious possession of the petitioners, so no case is made out under the Arms Act against the petitioners and except the confessional statement of co-accused person no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. Further submits that the co-accused person namely Sanjit Kumar @ Sanjit Gope has been granted privilege of anticipatory bail vide order dated 12.09.2023 in Cr. Misc. No.51333 of 2023.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners have carries two criminal antecedent other than the present one, but fairly submits out of two cases petitioners are acquitted in one case and in another case petitioners are on bail.

6. Considering the aforesaid facts, let the petitioners,



above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M., Ist, Patna City in connection with Fathua P.S. Case No.347 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners.



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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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