

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59591 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- PHULWARIYA District- Gopalganj

PRADEEP DEO Son of Ram Shah R/V- Manikpur, P.S- Gopalganj, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Phulwaria P.S. Case No. 310 of 2021 instituted under Sections 414/34 of the Indian Penal Code and Sections 20(b)(ii)(c)/25/27 of the NDPS Act as also Sections 25(1)(a)/25(1AA)/25(1-B)(c)/26(1)/26(2)/35 of the Arms Act.

As per the prosecution story, the informant, a police Officer alleged that upon secret information, raided the house of Lal Bahadur Yadav and actually got caught hold of mini gun factory and all the articles including 250 gram 'charas' kept in the desk board of the car were recovered/seized.

Accordingly, the FIR.

Learned counsel for the petitioner submits that house of Lal Bahadur Yadav was raided and there itself the said Lal



Bahadur Yadav as also Mohan Kumar @ Maurya were apprehended. The petitioner's name came in the confessional statement of Mohan Kumar @ Maurya and actually, he had no concern with the said recovery/seizure.

The further submission is that he is a socio-political man, runs a charitable organisation named as 'Tapasya Foundation', was earlier involved in the University agitations for initiation of M.A. Classes in the J.P. University, Chapra which reflects in the para-3 of the petition showing criminal antecedents.

The last submission is that he is ready to abide by all the terms and conditions.

Learned APP on the other hand opposes the prayer of bail stating that his name has come in the confessional statement of Mohan Kumar @ Maurya.

Taking into account the background of the petitioner as also the fact that he has not been arrested on the spot, his name has come in the confessional statement of Mohan Kumar @ Maurya, the house belongs to Lal Bahadur Yadav, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each in connection with Patna Phulwaria P.S. Case No. 310 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vii) the petitioner shall leave the District (Gopalganj) for three months and upon return shall visit the concerned police station for next six months every fortnight.

(Rajiv Roy, J)

Ajay Singh/-

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