

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62584 of 2023

Arising Out of PS. Case No.-404 Year-2020 Thana- KHAIRA District- Jamui

RAJESH KUMAR @ NEPALI S/O SUNIL MANDAL @ SUNIL PANDIT
R/O VILLAGE- SURAJMATH POKHAR, NEAR R. LAL COLLEGE, P.S-
KAWAIYA, DISTT.- LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Khaira Police Station Case No. 404 of 2020, disclosing offence under Sections 25(1-b)a/26/35 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 09.09.2020, the police intercepted a motorcycle, which was being driven by one Shubham Kumar and two other persons were sitting on the motorcycle as pillion riders. Upon seeing the police party the pillion riders succeeded in fleeing away, however, upon search, two country-made 9 mm loaded pistol and one magazine with cartridge were recovered by the police from the waist of



the arrested co-accused Shubham Kumar. The arrested co-accused person disclosed the names of the petitioner and one another, who succeeded in fleeing away.

4. Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and the motorcycle which was intercepted by the police does not belong to the petitioner. He further submits that no fire-arms has been recovered from the possession of the petitioner and he has been made accused merely on the basis of disclosure of his name by the arrested co-accused person.
5. Regards being had to the submissions made by learned Counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and the motorcycle, in question, does not belong to the petitioner and no fire-arms has been recovered from him, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Jamui, in connection with Khaira Police Station Case No. 404 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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