

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68036 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- RAJAPAKAR District- Vaishali

Rajesh Kumar @ Rajesh Rai Son Of Sri Suresh Singh @ Suresh Rai @
Suresh Kumar Resident Of Village - Uchidih (BAJIDPUR Malahi), P.S. -
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajapakar (Barati O.P.) P.S. Case No.159 of 2023, F.I.R. dated 05.03.2023 registered for the offence punishable under Sections 414 IPC and 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution, in short, is that the informant got information that miscreants are assembled with illegal arms and ammunition in the orchard of Jaynandan Singh. On such information, the informant along with other police personnel reached there where four accused persons were standing there with two motorcycles. On seeing the police force, they started to flee away but one miscreant who was fleeing on Splendor



motorcycle, has been apprehended with the help of police force and rest three miscreants succeeded to flee away. On interrogation, the apprehended accused disclosed his name as Sukesh Kumar and he also disclosed the name of the miscreants who fled away. From the possession of apprehended accused Sukesh Kumar, one illegal country made rifle was recovered and on inquiry he stated that he along with other accused persons used to sell a purchase of illegal arms. He also disclosed that Anil Kumar has called any customer to sell the arms @ Rs. 10,000/-. Rajesh and Anil had also ammunition with them. No any valid paper of recovered arms and motorcycle was produced by the apprehended accused. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons, namely, Sukesh Kumar. He further submits that petitioner was not apprehended and nothing has been recovered from his conscious possession and it appears from the FIR and seizure list that alleged recovery of arms and cartridge had been recovered from other accused persons and except confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the



present occurrence. He further submits that no case is made out under Arms Act against the petitioner.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Rajapakar (Barati O.P.) P.S. Case No.159 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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