

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68188 of 2023

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

Rajive Kumar @ Bhutia Son Of Ramanuj Pd. Resident Of Biyamshala
Kabiya Road, P.S. And District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-10-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The Petitioner is apprehending his arrest in a case in
connection with Khaira P.S. Case No. 404 of 2020 dated
09.09.2020 registered for the offences punishable u/s 25(1-b)
(a)/26/35 of the Indian Penal Code.

4. As per the prosecution case, police intercepted a
motorcycle, which was being driven by one Shubham Kumar
and two other persons were sitting on the motorcycle as pillion
riders. On 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 police from the waist of the arrested co-accused Shubham Kumar. The arrested co-accused person disclosed the names of the petitioner and another co-accused, who succeeded in fleeing away.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the petitioner was not present at the time of alleged occurrence. The name of the petitioner has surfaced during the course of the investigation. Similarly situated co-accused person has already been granted anticipatory bail vide order dated 17.10.2023 passed in Cr. Misc. No. 62584 of 2023. The petitioner has four other criminal cases pending and he is on bail in all the said cases as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Jamui in connection with Khaira P.S. Case No. 404 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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