

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71329 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

=====

Kunal Kumar S/o Shivan Yadav R/o Gadhiya Ward No. 10, P.S And Distt.-
Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Khagaria Rail P.S. Case No. 158 of 2022 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant while on checking duty at the Khagaria Railway Station got information that two suspicious persons with arms at Platform No. 2 are planning to commit crime at the railway station and in trains. On receiving such information, they reached at the said place and there they saw two persons trying to flee away on seeing them.

They were chased and were eventually apprehended and arms and cartridges as recorded in the FIR were recovered from them. It is alleged that the said arms and cartridges were to be given to this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that petitioner has been made accused in the present case in the confessional statement of the apprehended accused in police custody. It is submitted that this petitioner has got no concern with the alleged recovered arms and cartridges.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the name of this petitioner has transpired in the statement of the apprehended accused in police custody, save and except that statement, there is no other material to connect the petitioner with this case and the petitioner has otherwise got no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Khagaria Rail P.S. Case No. 158 of 2022 on furnishing bail

bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-V, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, the court below shall take step for cancellation of 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--