

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76730 of 2023

Arising Out of PS. Case No.-347 Year-2019 Thana- FATUA District- Patna

Raushan Kumar, aged about 25 years, Gender-Male, son of Inddrajit Singh,
resident of village- Ishopur, PS- Khushrupur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Fatuha PS Case No.347 of 2019 dated 30.05.2019, instituted
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that when the
informant along with other police officials raided the house of
Pramod Paswan, several firearms and live cartridges were
recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner is not named in
the FIR and only on the basis of confessional statement of
Tuntun Yadav, he has been made accused in this case. Nothing



has been recovered either from conscious possession or from the house of the petitioner. It is further submitted that similarly situated co-accused, Sanjit Kumar @ Sanjit Gope, has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 12.09.2023 passed in Cr. Misc. No.51333 of 2023. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, 1st, Patna City, Patna, in Fatuha PS Case No.347 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father,



mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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