

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73006 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- GWALPARA District- Madhepura

OM PRAKASH KUMAR @ OM THAKUR SON OF LATE RAJ KISHORE
THAKUR @ RAJO THAKUR R/O VILLAGE- PARSAHA WARD NO.09,
P.S.- GAWALPARA, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 353, 307/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution story, in brief, is that the police party raided the Machan, where the accused persons were present, armed with lethal weapons and were making plan to commit crime. On seeing the police party, they fired upon the police personnel, in course of which, two miscreants were caught on the spot. On query, the apprehended accused persons disclosed the name of those persons, who managed to flee away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely



implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The FIR was lodged against 12 accused persons but the name of the petitioner is not named in the FIR. During the investigation, the name of the petitioner has been transpired in this case on the basis of the confessional statement of the apprehended co-accused. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gawalpara P.S. Case No. 145 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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