

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7481 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- MADHUBAN District- East Champaran

Akash Kumar S/o Rajendra Sah R/o Village- Akauna, P.S.- Pakridayal,
District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 484 of 2023 registered under Sections 399 and 402 of the Indian Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms Act lodged on 01.10.2023 by the informant, Amarjit Kumar.

3. As per the prosecution story, the police upon receipt of secret information that accused persons gathered in a temple to commit crime, raided the place, though some managed to escape, three persons were apprehended and arms and ammunition/live cartridge recovered. Accordingly, the FIR.

4. Subsequently, the accused persons apprehended named this person, in that way, he has been made accused in



this case.

5. Learned counsel for the petitioner submits that admitted at the place of raid, neither he was there nor any incriminating articles recovered from him. Further, his name has come in the confessional statement of co-accused persons before the police which has no evidentiary value.

6. Learned APP for the State opposes the prayer for bail.

7. Taking into account the submissions put forward by the parties as also that he do not have criminal antecedent, FIR lodged and he will be facing the trial, this Court is inclined to grant him privilege of bail.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Madhuban P.S. Case No. 484 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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