

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7646 of 2024

Arising Out of PS. Case No.-593 Year-2023 Thana- MALSALAMI District- Patna

Raj Kumar @ Saurav Raj Keshri @ Smarat @ Samrat S/O LAXMI
NARAYAN KESHARI MUHALLA- NAD GOLA, PS.- MALSALAMI,
DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Malsalami P.S. Case No. 593 of 2023 for the offence under Sections 399 and 402 of the I.P.C. and Section 25(1-b) a/26/35 of the Arms Act, lodged on 22.08.2023, by the informant, Abhishek Kumar.

3. As per the prosecution story, the police in course of Malsalami P.S. Case No. 592 of 2023, raided the house of the arrested accused persons and seized the arms from them. Those arrested gave the name of the petitioner which followed his implication. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the admitted fact is that the house of the other accused persons were



raided and arms recovered/seized. Nothing incriminating has been recovered/seized from him and only on the basis of confession of the accused persons before the police, he was implicated.

5. Learned APP opposes the prayer stating that he has a criminal antecedent.

6. Though the petitioner has criminal antecedent, the fact remains that the alleged raid took place in the house of other accused persons who were apprehended and arms recovered/seized, on their confession his name has come, the investigation is going on and ultimately he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna City, in connection with Malsalami P.S. Case No. 593 of 2023 subject to the conditions 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 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 his 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 the 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 his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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