

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15162 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Dilkhush Kumar S/O Vijay Mahto @ Vijay Kumar Mahto Village- Baghi, Ps.
Begusarai Town, Ps. (Lohiya Nagar O.P.) Dist. Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Jamuar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Town P.S. Case No. 441 of 2023, F.I.R. dated 15.07.2023, registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, there is an allegation of planning of robbery at the open field at Baghi Ward No. 25 against the petitioner and co-accused persons, upon search from whose possession, one country made pistol has been recovered.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the confessional statement of the co-accused persons,

namely, Banti Kumar and Sudama Kumar. He further submits that except confessional statement of the co-accused persons, no other material has come during investigation which suggests the involvement of the petitioner in the present occurrence and it appears from the F.I.R. itself that the arms have been recovered from the possession of the co-accused persons, so no case is made out under the Arms Act against the petitioner.

5. Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that co-accused persons have disclosed that the petitioner was involved in the present crime in question and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits in paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, where the case is pending in connection with Town P.S. Case

No. 441 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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.

(Rajesh Kumar Verma, J)

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