

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9684 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Amresh Kumar S/O Ramadhar Ray Resident Of Belaghat, Ps. Chiraiya
(Sikarganj), Distt. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pakaridayal P.S. Case No. 213 of 2023 dated 08.10.2023 instituted
for the offence punishable under Sections 25(1-b)a/26/36 of the
Arms Act.

3. The prosecution case, in short, is that on 08.10.2023
at about 14.05 hrs, after getting secret informant, the informant
along with his team reached at the way of village Thikha. After
some times, two riders have been seen coming on red colour
motorcycle and the police signaled them to stop, but both the
riders started fleeing away. On chase, the driver of the motorcycle,
namely, Santosh Kumar has been apprehended with motorcycle
bearing Registration no. BR 05AV 5935, and pillion rider



(petitioner) managed to escape away. On search, two country made loaded pistol, three live cartridges and one mobile phone have been recovered from the possession of Santosh Kumar.

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 petitioner has been made accused in this case only on the basis of the confessional statement made by the apprehended person, namely, Santosh Kumar. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner nor from the house of the petitioner. During investigation, nothing has been come against the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pakaridayal P.S. Case No. 213 of 2023, he will 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 C.J.M., Motihari/ concern Court, Motihari subject to condition as laid down under Section



438(2) of the Cr.P.C, as well as the following conditions:-

- I. 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. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are 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.
- IV. 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.

(Khatim Reza, J)

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