

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14653 of 2024

Arising Out of PS. Case No.-613 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Saurabh Kumar, Son of Ram Vinay Prasad @ Vinay Kumar @ Vinay Sharma,
Resident of Mohalla- Chhatauni Bazar, P.S.- Chhatauni, Dist.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Motihari Mufassil P.S. Case No. 613 of 2022 registered for the alleged offences under Sections 399, 402 of the Indian Penal Code and Section 25 (1-b)a/26/35 of the Arms Act.

3. As per prosecution case, during patrolling, the informant received a secret information about gathering of some miscreants at certain identified place and a raid was conducted. Co-accused Aman Kumar was apprehended and from his possession, a loaded country made pistol with one live cartridge was recovered. The four miscreants fled away from the spot and



one of them threw away a country made *Katta*. Subsequently, the name of the petitioner transpired as one of the persons who fled away from the spot.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was named in this case on the basis of confessional statement of co-accused Aman Kumar, though nothing incriminating was recovered from the person/possession of the petitioner, who was not apprehended from the spot and none has reported seeing the petitioner fleeing away from the spot. There is no independent witness to support the prosecution story and the witnesses are all police personnel. The learned counsel further submits that the petitioner is having criminal antecedent of two cases, but he is on bail in both the cases.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Mufassil P.S. Case No. 613 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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