

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11041 of 2024

Arising Out of PS. Case No.-631 Year-2023 Thana- HILSA District- Nalanda

Mukesh Kumar, Son of Pappu Yadav @ Shri Pappu Prasad, R/o Village - in the street infront of Mahadev Asthan, Hilsa, P.S.- Hilsa, District- Nalanda.

Petitioner/s

Versus

The State of Bihar

Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwa Bijay Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 398, 401, 353 and 307 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and the informant alleges that he received secret information that Tushan Gop @ Bhagat in connivance with accused persons were planning to commit theft of a pump set. Accordingly, the informant along with the police force reached the place of occurrence where on seeing the police force, four accused persons started fleeing and even fired, but on chase, Tushan Gop @ Bhagat and Deepak Kumar were



apprehended and from their possession, pistols and cartridges as detailed in the FIR were recovered and they disclosed the name of the petitioner, who fled.

4. The learned counsel submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is also submitted that he came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is next submitted that no doubt petitioner has antecedent of two cases but then the same should not be made yardstick for not considering the anticipatory bail application of the petitioner as the petitioner might have been implicated at the instance of police because of his antecedent, but fairly submits that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hilsa P.S. Case No. 631 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailers of the petitioner shall be his father, Pappu Yadav @ Shri Pappu Prasad.

8. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner, despite giving assurance to this court, is not cooperating in the investigation in that event, the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording the reason and shall take all coercive steps to ensure that petitioner is behind bars.

9. It is further made clear that in the event if the police after investigation files charge-sheet connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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