

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19356 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

SUNIL KUMAR SON OF LATE BASU RAM RESIDENT OF VILLAGE -
ISMAILPUR, P.S. - HAJIPUR SADAR, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2024 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 399, 402 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant who alleges that on secret information, he reached the place of occurrence when he saw that 7-8 persons had assembled and on seeing the police force they started fleeing but four persons were apprehended and three managed to escape, further from the possession of Ravindra and Vishal, country made pistol along with live



cartridges were recovered and from Krishna Kumar and Lakhindra Kumar, sharp edged knives were recovered.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is next submitted, at the cost of repetition, that petitioner is a person with clean antecedent and the petitioner will not abscond rather will co-operate 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. 10,000/- (Rupees One 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 Hajipur Sadar P.S. Case No. 806 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. One of the bailors of the petitioner shall be his father-in-law, Balkishun Ram.

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 co-operating in the investigation or not presenting himself as and when required in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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