

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27364 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Dilip Ram Son of Jhama Ram Village- Bankatwa Ps- Jitna Dist- East
Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Ghorasahan P.S. Case No. 710 of 2023,
registered for the offences punishable under Sections 25(1-b)
and 26/35 of the Arms Act.

3. The prosecution case as emerges from the FIR is
that when the informant was returning after the patrolling, the
villagers were making noise and chasing the persons who was
on a motorcycle, shouting that they are thief of goats and
thereafter, the informant chased the motorcycle and one person
who was sitting as a pillion rider on the motorcycle fell down
while the Petitioner succeeded in fleeing away with the



motorcycle. On search of the apprehended accused, Vijay Kumar, one loaded country made pistol was recovered. He also disclosed his associate's name who fled away on the motorcycle as Dilip Ram, the Petitioner.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that his name has transpired in the confessional statement of the co-accused, Vijay Kumar, who was arrested on the spot. However, the Petitioner is neither arrested on the spot nor anything has been recovered from his conscious possession. The whole case of the prosecution against him is based on the statement of the accomplice.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.2 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-III, Sikarhana at Dhaka, Motihari, East Champaran, in connection with Ghorasahan P.S. Case No. 710 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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