

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28758 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- BARAUNI District- Begusarai

Suman Rai @ Suman Kumar Rai son of Ram Naresh Rai Resident of village-
Rampur Tola, Baro, Ward No. 07, Police Station- Begusarai, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Barauni P.S. Case No. 70 of 2024 instituted under Sections 147, 148, 149, 353, 332, 323 and 307 of the Indian Penal Code and Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act lodged on 21.02.2024 by the informant, Diwakar Singh.

3. As per the prosecution story, the informant alleged that upon information, the house of Nilesh Kumar was raided, he resorted to firing to evade arrest and the bullet hit the bystander. Later, when the Police took him into custody, this petitioner alongwith other family members facilitated his escape. Though, other accused Kunal Kumar and Shiv Kumar were apprehended and country made pistols and live cartridges recovered. Accordingly, the FIR.



4. Learned counsel for the petitioner submits a bare perusal of the FIR would show that 40-45 persons have been implicated, he do not have criminal antecedent and being a bystander, he was part of the crowd, has been implicated and further irrespective of the outcome of the present case and/or accepting the allegation, he intends to contribute Rs. 2000/- to the District Legal Services Authority, Begusarai.

5. Learned APP opposes the prayer stating that he alongwith others facilitated the escape of Nilesh Kumar.

6. Taking into account the fact that the allegation is against 40-45 persons, the petitioner do not have criminal antecedent, is of young age, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 2000/- to the District Legal Services Authority, Begusarai which shall be used exclusively for the purchase of journals.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barauni P.S. Case No. 70 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Begusarai subject to the conditions as laid down



under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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