

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30514 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- JANTA BAZAR District- Saran

Rahul Kumar Son Of Late Gorakh Ray Resident Of Village - Khurd Lauba,
P.S. - Janta Bazar, District – Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Panday, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Ms. Alka Panday, the learned counsel for the

petitioner and Mr. Jai Narain Thakur, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Janta Bazar PS Case No. 167 of 2023, FIR

dated 01.10.2023, registered for the offences punishable under

Section 414 of the Indian Penal Code and under Section 25(1-

b)a, 26 and 35 of the Arms Act.

3. According to the prosecution case, while the

informant was on raid, she received secret information that

some miscreants have assembled to dispose of huge quantity of

wine, and when the informant reached at the alleged place, and

apprehended one person. It is further alleged that from the

possession of apprehended person, one country made pistol and



a mobile were recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that name of the petitioner transpired on the basis of disclosure made the co-accused namely, Amit Kumar @ Jeena Pandey and it appears from the seizure list that recovery has been made from the possession of the co-accused persons namely, Amit Kumar @ Jeena Pandey and no such arms have been recovered from the possession of the petitioner, so, no case is made out under the Arms Act. He further submits that the co-accused persons namely, Setu Kumar and Aryan Kumar have been granted the privilege of anticipatory bail vide order dated 22.02.2024, passed in Cr. Misc. No. 12189 of 2024 and Cr. Misc. No. 12292 of 2024 respectively.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has fled away from the place of occurrence and apart from that, the petitioner carries one criminal antecedent other than the present one, however, he fairly admits that the petitioner is on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran, where the case is pending in connection with **Janta Bazar PS Case No. 167 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and



in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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