

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30074 of 2024

Arising Out of PS. Case No.-430 Year-2018 Thana- GAYA KOTWALI District- Gaya

Akshay Kumar @ Sunil Kumar Yadav son of Talkeshwar Yadav Resident Of
Village-Janakpur (Gowal Toli),P.S.- Muffasil, Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kotwali P.S. Case No. 430 of 2018 dated 11.09.2018 instituted for the offence punishable under Sections 353, 307, 414/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner is that he along with other accused persons started firing on police personnel. The police caught some of the accused persons, but the petitioner managed to escape away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has been made accused in this case only on the basis of confessional statement.



Co-accused Raju Kumar and Kumar Pallav were apprehended at the spot, who disclosed the name of the petitioner. Nothing has been recovered either from possession of the petitioner or from his house. Learned counsel for the petitioner further submits that there is no specific allegation against the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kotwali P.S. Case No. 430 of 2018, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya subject to condition as laid down under Section 438(2) of the Cr.P.C, , as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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