

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39057 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- MADHUBAN District- East Champaran

Pawan Kumar S/o Hari Shankar Bhagat R/o Village Barapakar PS Madhuban,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Advocate
		Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard Mr. Vikash Kumar Pankaj and Mr. Mritunjay Kumar, learned counsel for the petitioner as also the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 484 of 2023 for the offence under Sections 399 and 402 of the I.P.C. and Sections 25 (1-b)a, 26 and 35 of the Arms Act lodged on 01.10.2023 by the informant, Amarjit Kumar.

3. As per the prosecution story, the police upon receipt of secret information that accused persons gathered in a temple to commit crime, raided the place, though some managed to escape, three persons were apprehended and arms and ammunition/live cartridge recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent and has enmity in the village,



implicated. The submission is that the name has come in the confessional statement of those who were arrested and recovery/seizure is/are attributed to them.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that not only he has criminal antecedent, his name has also come in the confessional statement of the accused persons who were apprehended.

6. Taking into account the aforesaid facts as also that his name has come in the confessional statement, nothing has been recovered/seized nor anything specific has been attributed to him, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 484 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative 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 appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation both for Mr. Vikash Kumar Pankaj as also Mr. Mritunjay Kumar for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Adnan/-

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