

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43877 of 2024

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

=====

Balram Kumar Son of Umesh Rai @ Umesh Singh R/O Vill.- Barauni Flag
01, Ward no. 10, P.S.- Teghra, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nidhi Anand, Adv.

Ms. Sunuchi Anand, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Barauni P.S. Case No. 70 of 2024 registered for the offences punishable under Sections 147, 148, 149, 353, 332, 307 of the Indian Penal Code and Section 25(1-b)a/26/27 & 35 of the Arms Act.

3. The prosecution case, in short, is that on receipt of secret information that some accused persons were planning to commit crime, the police raided the house of Nilesh Kumar where two other accused persons namely Rahul Kumar and Balram Kumar (petitioner) were also present. On seeing the police party, the accused persons started firing but, somehow,



the police managed to caught two of them. The apprehended persons disclosed their names as Kunal Kumar and Shiv Kumar and on query, they also disclosed the names of other accused persons including the present petitioner. On search, the police recovered one country made pistol and six live cartridges from Kunal Kumar and one country made pistol and five live cartridge of 9MM from the possession of Shiv Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is no direct or specific allegation of any overt act against the petitioner rather the specific allegation of firing is against the co-accused Nilesh Kumar. No injury has been sustained by anyone. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or with the seized article.

5. Learned counsel for the petitioner further submits that the co-accused Kunal Kumar has been granted regular bail by this Court vide order dated 18.04.2024 passed in Cr. Misc.



No. 28182 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner and the petitioner having no specific allegation of any overt act, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barauni P.S. Case No. 70 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

