

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49457 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- AGAMKUAN District- Patna

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Pawan Kumar @ Pawan @ Lala Son of Rambabu Singh Resident of Vill-
Sotichak, P.S.-Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Counsel
		Mr. Jay Ram Prasad, Advocate
		Mr. Deepak Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Agamkuan P.S. Case No. 40 of 2023, dated 13.01.2023, registered for the offences punishable under Sections 147, 148, 149, 307, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation, the co-accused caused indiscriminate firing leading to gunshot injury to the husband of the informant and allegation against the present petitioner is that he hatched the conspiracy while living in jail.

4. Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that as per the F.I.R. itself, it is apparent that the petitioner was not present on the place of occurrence rather he was in jail and hence, there is no question of his involvement in the present case.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in four other cases in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate IV, Patna City, in connection with Agamkuan P.S. Case No. 40 of 2023, subject to



the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Amandeep/-
Shoaib/-

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