

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52212 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- KANHAULI District- Sitamarhi

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Jacky Kumar @ Jacky Paswan @ Jabi Kumar, S/O Shiv Shankar Paswan @ Shivashankar Paswan, R/O Village- Ramnagra, P.S- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kanhauli P.S. Case No. 03 of 2024 dated 09.01.2024 registered for the offences punishable under Sections 399, 402 of the I.P.C. and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on receiving information that the co-accused persons, namely, Kishan Kumar, Shiv Nandan Baitha, Dilip Paswan and Jacky Paswan (petitioner) were making planning for committing *dacoity* in *Uttar Bagicha* in the village-Ramnagra, police went there and apprehended the co-accused Kishan Kumar with one loaded country made pistol



alongwith one live cartridge and who also disclosed the name of the petitioner and the other co-accused persons, namely, Shiv Nandan Baitha, Dilip Paswan and Subodh Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner's name has come in the present case only on the basis of the confessional statement of the co-accused Kishan Kumar. The petitioner and the co-accused Kishan Kumar are the co-villagers and as such due to previous enmity, he has named this petitioner in the present case. Except the confessional statement of the co-accused Kishan Kumar, there is no other substantive evidence to suggest the implication of the petitioner in the present case. He was also not arrested at the place of occurrence. No incriminating article has been recovered either from the possession of the petitioner or from his house. The petitioner has no concern either with the alleged offence or with the other co-accused persons. The other co-accused person, namely, Kishan Kumar, has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 50567 of 2024 under order dated 05.08.2024. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.



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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist, Sitamarhi, in connection with Kanhauli P.S. Case No. 03 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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