

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49953 of 2024

Arising Out of PS. Case No.-74 Year-2022 Thana- DARIYAPUR District- Saran

Sonu Kuraishi @ Md. Sonu SON OF MD. MUKHTAR VILLAGE-
CHITKOHRA, PS- GARDANIBADH, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 74 of 2022 registered for the offences punishable under Sections 399, 402, 420 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the informant alongwith police officials apprehended six co-accused persons from the Scorpio vehicle and from their possession some incriminating articles were recovered. Apprehended co-accused persons disclosed the name of present petitioner stating that petitioner used to secure vehicle to them and took share from the apprehended co-accused persons of illegal activities.



4. Learned counsel for the petitioner submits that except disclosure of apprehended co-accused persons, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that incriminating article has been recovered from the possession of the apprehended co-accused. Basically, no incriminating has been recovered or seized from the conscious possession of the petitioner and he was not found at the place of occurrence. He further submits that there is no whispering in the F.I.R. that petitioner is said to have fled away from the place of occurrence. He further submits that petitioner is neither owner nor driver of the said Scorpio vehicle in question. He further submits that the allegation made against the petitioner is merely a bald statement given by the apprehended co-accused persons. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner has left to mention that he has no criminal antecedent prior to the present occurrence as it is clear from Para 3 of the bail petition that petitioner bears criminal antecedent of Madhaurah P.S. Case No. 105 of 2023 which is lodged much after the present case. So far as the criminal antecedent is concerned, there is no any case prior to



the present case, as such petitioner has no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Saran at Chapra in connection with Dariyapur P.S. Case No. 74 of 2022 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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