

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54634 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- PAHARPUR District- East Champaran

Ashish Kumar @ Chandrabhan @ Mukhiya S/o Late Sharma Sah R/o vill -
Sathi Dudhiywa Sareya Ojha Tola, ward no. 3, P.S. - Paharpur, Distt. - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Paharpur P.S. Case No. 367 of 2023 dated 07.09.2023 instituted
for the offence punishable under Sections 25(1-b)a, 26, 35 of the
Arms Act.

3. The prosecution case, in short, is that on the alleged
date of occurrence, on getting information that three persons are
planning to commit crime, the informant with his team reached at
the spot and apprehended two co-accused persons with pistol and
knife. It is alleged that the petitioner managed to escape away with
a pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner is 18 years aged boy. Petitioner has not been apprehended at the spot. Only on the basis of confessional statement of apprehended persons, namely, Arman Ansari and Vishal Kumar, the petitioner has been made accused in this case. Nothing has been recovered either from the conscious possession of the petitioner or from his house. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Paharpur P.S. Case No. 367 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be



cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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