

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 55139 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SUPAUL District- Supaul

Babul Thakur @ Bablu Kumar Son of Umesh Thakur R/O Vill.- Gauravgarh,
Ward no. 05, P.s.- Supaul, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 25 (1-B) a, and 26 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that he received a secret information that two
accused on a motorcycle are carrying guns, accordingly, the
force reached the place of occurrence and saw two accused
persons trying to flee on a motorcycle on seeing the police but
the force tried to apprehend them and in the scuffle, one pistol
fell from the waist of the accused persons, but they managed to
flee, the local people disclosed the name of the petitioner and



Manish Rajak and the motorcycle was seized.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is also submitted that petitioner runs a grocery shop and his brand new motorcycle was parked in front of the grocery shop and he had gone to take his meal when the occurrence is alleged to have taken place and his standing motorcycle was seized. It is also submitted that the registration number was also not there on the motorcycle.

5. The learned APP for the State opposes the anticipatory bail application and submits that informant alleges that he received a specific information that two persons on a motorcycle were carrying guns, accordingly, he reached the place of occurrence when it is alleged that the accused persons on fleeing the force tried to flee by the motorcycle but then the force tried to apprehend them and in the scuffle, a gun was dropped from waist of one of the accused and they managed to flee leaving the motorcycle. It is further submitted that the motorcycle belongs to the petitioner. It is next submitted that it absolutely does not stand to reason that the occurrence is alleged to have taken place at 10 am in the morning on 02.01.2024, as such, it does not appear probable that the petitioner at 10 am



would have gone to his house for having his meal. It is further submitted that in the Supplementary Affidavit, it has been recorded that petitioner runs a grocery shop but then even the name of the grocery shop is not disclosed. It is next submitted that investigation of the case is in its initial stages and its privilege of anticipatory bail is granted to the petitioner, he may abscond on which the learned counsel appearing on behalf of the petitioner submits that the petitioner is a person with clean antecedent and he will not abscond rather will cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul/Incharge Successor Court in connection with Supaul P.S. Case No. 02 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. One of the bailor of the petitioner shall be his father.



8. However, the petitioner will keep marking his attendance in the concerned P.S. in between 01-05 of every month commencing from October 2024, until, the charge-sheet is not submitted.

9. In the event, if the petitioner violates the condition of bail, the Investigating Officer of the case shall file an application before the learned trial court bringing to its notice that petitioner is not marking his attendance in between 01-05 of every month commencing from October 2024, prior to filing of charge-sheet and the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

10. It is also submitted that if charge-sheet is submitted, connecting the petitioner with the offence, the present anticipatory bail order shall lose its effects.

11. The application stands allowed.

(Satyavrat Verma, J)

Sudhanshu/-

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