

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52135 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- NOORSARAI District- Nalanda

1. Vivek Kumar Son Of Manoj Paswan Village- Mathurapur, Ps- Noorsarai, Dist- Nalanda
2. Nagina Kumar @ Bhanta @ Nagina Ram Son Of Bihari Ram Village- Mathurapur, Ps- Noorsarai, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 353, 307, 337, 338, 504 of the Indian Penal Code & Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of two cases and the informant alleges that on the eve of Holikadahan, the informant received an information that the accused persons were resorting to firing, accordingly, he along with the police force reached the place of



occurrence and saw 5-7 persons indulging in firing, who on seeing the police force abused and fired but Bihari and Manoj were apprehended who disclosed the name of the petitioners who fled from the place of occurrence.

4. The learned counsel submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is next submitted that petitioners will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Noorsarai P.S. Case No.123/2024, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioners shall be their respective mothers, as it has been submitted that the fathers of the petitioners are in custody.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is also made clear that if the charge sheet is submitted and thereafter the learned trial court comes to a conclusion that petitioners are trying to delay the trial in any manner, in that event also, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

10. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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