

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53798 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- THAWE District- Gopalganj

Raju Nut, aged about 36 years, son of Kishori Nut, Village- Narharpur Ps-
Barharia Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the outset, learned counsel for the petitioner seeks permission to correct the age of the petitioner in the first page of the bail application.

3. Permission is accorded. Let the same be done in course of the day.

4. The petitioner apprehends arrest in connection with Thawe P.S. Case No. 317 of 2023 dated 01.11.2023 instituted for the offence punishable under Section 399, 402 the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

5. The prosecution case, in short, is that on getting secret information, the informant along with his team reached at the alleged place of occurrence and apprehended five persons



with illegal weapons and cartridges, who disclosed the name of the petitioner and other accused persons. It is alleged that the petitioner and other accused persons were planning to commit crime.

6. 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 police apprehended five accused persons, who disclosed the name of the petitioner and seven other accused persons. The apprehended persons told the name of the persons who managed to flee away on seeing the police party. The petitioner has no concern with the aforesaid crime. Only on the basis of the disclosure made by the apprehended persons, the petitioner has been made accused in this case. Nothing has been recovered from the possession of the petitioner. Lastly, it has been submitted that after lodging the present case, the petitioner has been made accused in two other criminal cases.

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

8. 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 Thawe P.S. Case No. 317 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, Gopalganj, District Gopalganj, 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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