

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60982 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- ATHMALGOLA District- Patna

Chhotu Kumar @ Suraj Kumar Son of Krishna Singh Resident of Village -
Fulelpur, P.S. - Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Athmalgola P.S. Case No. 343 of 2023 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of secret information, raided the place of occurrence. On seeing the police-party, the accused persons tried to flee away from there but, two of them were arrested. On search, one android mobile and six live cartridges were recovered from the left pocket of the co-accused Naveen Singh. The police also recovered one loaded country-made Katta with three live cartridges and one



mobile from the pocket of co-accused Rahul Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The name of the petitioner has sprung in this case on the basis of the confessional statement of one Navin Kumar who was arrested at the spot. The petitioner has no concern with the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner as the petitioner was not arrested on the spot. Except confessional statement, there is nothing adverse against the petitioner. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present application and in all of them, he is on bail.

5. Learned counsel for the petitioner further submits that the co-accused Chandan Kumar has been granted anticipatory bail by this Court vide order dated 12.07.2024 passed in Cr. Misc. No. 29857 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the



learned counsel for the petitioner, let the petitioner above-named, in the event of his 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Athmalgola P.S. Case No. 343 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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