

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60082 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- TELMAR District- Nalanda

Chandan Kumar Son of Akhilesh Yadav @ Akhileshwar Kumar Resident of
Vill - Nayakhandha, P.S.- Telmar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 307, 353,
386, 387, 399 and 402 of the Indian Penal Code read with
Section 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that an information was received that accused persons
have assembled with a view to commit *dacoity*, accordingly, the
police force reached the place of occurrence when the accused
on seeing the police tried to flee after resorting to firing, but five
accused were apprehended and from possession of Akhilesh, a
double barrel gun was recovered, three live cartridges were



recovered from Rishu, thereafter one loaded pistol along with one live cartridge and a mobile was recovered from Rajesh and two mobile and two live cartridges each was recovered from Baiju and Manish and the apprehended accused disclosed the name of the petitioner and other accused who fled on seeing the police.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that the petitioner is an agriculturist and is not a criminal as he is a person with clean antecedent and he came to be implicated at the instance of Baiju with whom he is having dispute relating to land.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that petitioner is a farmer, but then no description of any land is mentioned in the anticipatory bail application, further a general and a bald submission has been made that petitioner is having dispute relating to land with Baiju, but then the nature of dispute is also not disclosed in the FIR, which amply demonstrates that



the said plea has been raised only for the purposes of seeking anticipatory bail. It is next submitted that in the event if the petitioner is given the privilege of anticipatory bail, in that event he may abscond or tamper with the evidence, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Telmar P.S. Case No. 13 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, Akhilesh Yadav, Akhileshwar Kumar.

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 its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be communicated to the Superintendent of Police, Nalanda and the concerned police station.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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