

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60696 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- KARANDAY District- Sheikhpura

Lalu Kumar, S/O Late Yogi @ Modi Yadav @ Yogi Yadav Resident Of
Village- Kurmuri, Police Station- Karandey, District- Sheikhpura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 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
Sections 379, 411 and 34 of the Indian Penal Code and Section
25(1-b)a of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the informant
alleges that on 13.03.2024, he received an information that
petitioner along with other accused persons are planning to
commit an offence and the plan is being made in the house of
the petitioner. Accordingly, the informant along with the police
force reached the house of the petitioner for verifying the
information, when it is alleged that an accused threw a black



bag in his courtyard and fled. On search of the bag, several articles were recovered as detailed in the FIR and a motorcycle was also recovered from the door of the house of the petitioner, which was without any number plate. Further, the Chaukidar disclosed the name of the petitioner and other accused.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the motorcycle, which was recovered from the door of the petitioner, stands registered in the name of Babita Devi, mother of co-accused Suraj Kumar. It is also submitted that mobile and AADHAR were in the name of co-accused Guddu Kumar. It is also submitted that since the articles which were recovered from the bag belongs to Guddu Kumar, hence the pistol also belonged to him, but then, it is submitted that petitioner based on suspicion came to be implicated when he was not aware that Guddu was carrying pistol in the bag.

5. Learned A.P.P. opposes the anticipatory bail application and submits that there appears no probable reasons that as to why the informant would have falsely implicated the petitioner. It is also submitted that he had received an information that in the house of the petitioner, the accused were



sitting and planning to commit an occurrence, based on which he reached the place of occurrence when the bag was seized and the articles were recovered as detailed in the FIR including the pistol. It is next submitted that petitioner has antecedent of one serious case also and if 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 petitioner will not abscond rather will cooperate 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 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 Smt. Sweta Chaudhary, the learned Judicial Magistrate, 1st Class, Sheikhpura in connection with Karandey P. S. Case No.16 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his maternal uncle (Mama) Arun Kumar.

7. The application stands allowed.



8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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