

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73863 of 2023

Arising Out of PS. Case No.-670 Year-2021 Thana- KANTI District- Muzaffarpur

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ABHIJEET KUMAR @ ABHIJEET THAKUR @ SUMIT THAKUR S/O
SAROJ KUMAR VILLAGE- KANTI KASWA, PS. KANTI, DIST.
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kanti P.S. Case No. 670 of 2021 for the offence under Sections 115, 399, 400 and 402 of the I.P.C., under Sections 25(1-b)a/26/35 of the Arms Act and Section 8c/21b of the NDPS Act, lodged on 25.10.2021 by the informant, Kundan Kumar.

3. As per the prosecution story, the informant has alleged that upon secret information, the place near the Ratanpura railway crossing was raided. While one accused managed to escape, five others were arrested and there was/were recovery of country-made pistols, live cartridges as also 160 grams of smack like substance. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that neither anything has been recovered from his possession nor there has come anything against him except the confession of the accused persons made before the Police after the arrest. Although, he concede that he has a criminal antecedent.

5. On perusal of the application, it seems the affidavit is incomplete inasmuch as the person Saroj Kumar has put in signature but the date is missing. This shows that despite the warning given, something fishy is still continuing, it would suffice that for the present a cost of Rs. 500/- is imposed upon the petitioner to be paid to the Patna High Court Legal Services Committee with a warning that henceforth serious view may be taken by the Court.

6. Learned APP opposes the prayer stating that the arrested persons have named him.

7. Taking into account the aforesaid fact that his name has come in the confessional statement of the police and there is recovery on the part of the accused persons arrested, this Court is inclined to extend him the privilege of anticipatory bail subject to submission of receipt showing payment of Rs. 500/- as stated above.

8. Let the petitioner be released on bail in the event of



arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Muzaffarpur in connection with Kanti P.S. Case No. 670 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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