

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79994 of 2024

Arising Out of PS. Case No.-685 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Abhinav Anand @ Govind Singh S/o- Ratendra Bahadur Singh R/o-
Vidyapati nagar ward no- 32 Ps- Saharsha District- Saharsha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Anita Kumari, APP

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

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 685 of 2024 instituted for the offences under Sections 310(4), 310(5), 319(2), 318(4), 337, 338, 336(3), 111(3) of Bharatiya Nyaya Sanhita and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence i.e. near Tanishq Jewellery show-room where the petitioner was found roaming in his blue car bearing Regd. No. BR19N-0021, who on seeing the police team, tried to flee away but, was apprehended by the police. On the disclosures made by him, the



police reached at the Second Wife Restaurant and Marriage Hall and arrested four persons from there as also recovered arms and ammunition from their possession.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The allegation against the petitioner as as liner and, as such, there is no involvement of the petitioner in this false case and no any recovery of arms and ammunition has been recovered from the possession of the petitioner. The alleged recovery of the pistol and cartridges has been made from the possession of the co-accused Vikash Jha, Ashutosh Kumar Jha and Manish Kumar @ Mania. Though the petitioner is alleged to involved in recce with his blue colour swift car and local handler only for committing proposed robbery but, admittedly, the accused persons did not even attempted to commit robbery or loot which was proposed to be looted. Only a mobile that too belonging to the petitioner was found in the possession of the petitioner. There is a non-compliance of Section 103 of the BNSS which creates a serious doubt in the prosecution case. The petitioner



has seven criminal antecedent and is languishing in judicial custody since 10.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and he was arrested at the place of occurrence. The allegation against the petitioner and other co-accused persons is of being indulged in unlawful activity of organized crime. The petitioner has also confessed his involved in his confessional statement. The petitioner was found involved in doing recce and is alleged to be a member of the organized crime. The petitioner has also seven criminal antecedents. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also there being no recovery of any arms and ammunition from his possession, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 685 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

