

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82066 of 2024

Arising Out of PS. Case No.-427 Year-2022 Thana- JAHANABAD District- Jehanabad

Vikash Kumar @ Sudhir Kumar S/O Satyendar Prasad R/O vill - Chhotki
Math, P.S - Ghoshi, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jehanabad P.S. Case No. 427 of 2022, dated 01.06.2022 registered for the offences punishable under Sections 399 and 402 of I.P.C. and Sections 25(1-b)a, 26/35 of the Arms Act.

3. As per allegation, the accused persons including the petitioner had assembled for the purpose of preparing and committing the offence of dacoity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been neither arrested on the spot nor any incriminating material has been recovered from his possession. He further submits that as per



the prosecution case, the petitioner was present in the unlawful assembly as per statement of co-accused Neeraj Kumar. However, there is no cogent legal evidence against the petitioner regarding his involvement. He further submits that petitioner has also no criminal antecedent. The present prosecution is nothing but persecution of the petitioner and he deserves enlargement on anticipatory bail because personal liberty of a person cannot be curtailed in such a manner.

5. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

6. However, the learned APP for the State has opposed the prayer for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad P.S. Case No. 427 of 2022, subject



to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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