

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85867 of 2023**

Arising Out of PS. Case No.-259 Year-2023 Thana- TRIVENIGANJ District- Supaul

Md. Aslam S/o Md. Alam R/o Village- Patarghatti, PS-Tribeniganj Ward No  
4, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| For the Petitioner/s       | : | Mr. Kamal Kishor Singh, Advocate |
|                            |   | Mr. Anil Kumar, Advocate         |
| For the Opposite Party/s : |   | Mr. Arun Kumar Pandey            |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-01-2024              Learned counsel, Mr. Kamal Kishor Singh, submits that  
in the 'Cause List' his name is wrongly showing as 'Kamal Singh'  
instead of 'Kamal Kishor Singh'.

02. The office is directed to show the correct name of  
learned counsel, Mr. Kamal Kishor Singh.

03. Learned counsel for the petitioner submits that in  
paragraph-3 of the petition, inadvertently, in place of section 379  
of the I.P.C., section 279 has been mentioned. He seeks permission  
of this Court to correct the same in course of the day.

04. Permission is accorded.

05. Heard learned counsel for the petitioner and learned  
APP for the State.

06. In the present case, the petitioner is apprehending  
his arrest in connection with Tribeniganj P.S. Case No. 259 of



2023, registered for the alleged offence under Sections 399, 402, 412, 414, 324, 420 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

07. As per prosecution case, police received secret information about co-accused Karan Tiger making a plan for committing *dacoity* and assembling a large number of miscreants including this petitioner for the said purpose. A raid was conducted and co-accused persons, namely, Pankaj Kumar and Mukesh Kumar were apprehended with firearms, who disclosed that the petitioner and other co-accused fled away while the raid was being conducted. After sometime co-accused Karan Kumar @ Karan Tiger was also apprehended, who further disclosed the name of this petitioner for being his associate.

08. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the apprehended co-accused and nothing incriminating has been recovered from the conscious possession of the petitioner. The name of petitioner came up in this case on the basis of statement of co-accused persons and apart from that there is no material against the petitioner. The similarly situated co-accused person, namely,



Nandan Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 19.12.2023 passed in Criminal Misc. No. 80788 of 2023. Learned counsel further submits that the petitioner has got criminal antecedent of one case, i.e., Tribenigaj P.S. Case No. 188 of 2023 registered for the offence under Section 379 of the IPC, in which, the petitioner is on bail.

09. Learned APP for the State opposes the prayer for anticipatory bail.

10. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no specific allegation for commission of offence has been made against this petitioner except the allegation of being an associate of co-accused who were apprehended with firearms and also considering the grant of bail to similarly situated co-accused, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Supaul/concerned court in connection with Tribeniganj P.S. Case No. 259 of 2023



subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

Ashish/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

