

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86202 of 2024

Arising Out of PS. Case No.-744 Year-2024 Thana- JAHANABAD District- Jehanabad

Manish Kumar S/o Lalan Ravidas Resident of Village- Bahanpura, P.S- Hilas,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahboob Ashraf, Adv.

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

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

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Jehanabad (Karauna) P.S. Case No. 744 of 2024 instituted for the offences under Sections 310(4)/310(5) of the B.N.S. and Section 25(1-B)a, 26/35 of the Arms Act.

3. As per prosecution case, in course of checking, five persons were found coming on tempo out of whom three persons were apprehended whereas two persons managed to flee away. The apprehended persons disclosed the names of so-called fled away person as of Anand @ Lakshman Kumar and Manish Kumar (the petitioner). In course of search, the police recovered one country-made *Katta*, one live cartridge, mobiles



and tempo 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. The petitioner was not arrested on spot. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is a student of B.SC. Part-III of S.U. College, Hilsa (Nalanda) having bright career. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the apprehended person namely Aryan Raj. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the recovered articles. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jehanabad (Karauna) P.S. Case No. 744 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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