

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.962 of 2024

Arising Out of PS. Case No.-254 Year-2019 Thana- BARACHATTI District- Gaya

Tanvir Khan, aged about 52 years, Male, S/o Maqbool Hasan, R/o Village
Bajarkar PS Barachatti Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Vijay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Akhileshwar Dayal, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barachatti P.S. Case No. 254 of 2019 dated 19.06.2019
registered for the offence(s) punishable under Sections 384, 385,
414, 406, 120(B) and 379/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, accused
persons named therein have tried to realize money from the
trucks crossing the Jharkhand boarder towards Mohania.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is not named in the FIR and
in course of investigation, it has been alleged that the petitioner
has played the role of liner. Learned counsel further submits that



there was also no question of apprehension that the petitioner would be nabbed by the police party. Petitioner has clean antecedent. It is further submitted that other co-accused persons have already been granted anticipatory bail by different Co-ordinate Benches of this Court vide Annexures 2 and 3. Learned counsel further submits that petitioner will also file his personal affidavit before the court below to the extent that he is not a government servant.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the facts that petitioner is not named in the FIR and other co-accused persons, who are named in the FIR, have already been granted bail by this Court, and **petitioner is also ready to file his personal affidavit before the court below to the extent that he is not a government servant**, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -II, Sherghati at Gaya in connection with Barachatti P.S. Case No. 254 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., **subject to verification that in case of any process having been issued under Sections 82 and 83 of Cr.P.C., this order will lose its force.**

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, in that event also, this order will automatically lose its force.

9. With aforesaid observation and direction, the present petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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