

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1512 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- RIGA District- Sitamarhi

Aman Kumar @ Aman Ram Son of Chhote Ram Resident of village- Sonar,
P.S- Riga, Distt- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Riga P.S. Case No. 208 of 2023 registered for the offences under Sections 147, 148, 149, 341, 323, 332, 333, 307 and 353 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act. He has got two criminal antecedents out of which he is on bail in two cases.

3. As per the prosecution story, on 27.05.2023 at about 1.00 am while the informant was on patrolling duty, he received secret information that some miscreants are dancing with pistol in the marriage ceremony of the daughter of Lal Babu Ram in village Sonar Harijan Tola. Upon getting such information, the informant along with police team reached at the said place and found some miscreants dancing with pistol. On seeing Police, the

miscreants opened fire on them and also assaulted them with *lathi-danda* and rod, due to which the Police party sustained injuries. The miscreants made eight round firing. It is alleged that the Police Constable Subhash Kumar made five round firing from his pistol in self-defence and apprehended one miscreant with loaded country made pistol while others managed to escape. The apprehended miscreant disclosed the name of the petitioners and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that though the petitioner is named in the FIR but there is no specific allegation against the petitioner and his name has been disclosed by the apprehended accused person in police custody. It is further submitted that similarly situated co-accused has been granted the privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 62088 of 2023

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, the submission that the name of the petitioner has transpired in the confessional statement of the apprehended co-accused in police custody and some of the co-accused similarly situated have been granted privilege of pre-arrest bail in Cr.

Misc. No. 62088 of 2023, let in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Riga P.S. Case No. 208 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate I/c, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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