

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26370 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- SAHEBPUR KAMAL District- Begusarai

Om Kumar @ Om Prakash @ Om Prakash Kumar Son of Birju Yadav @ Brij Kishor Yadav @ Brij Kishore yadav Village- Hira Tol, Ward no 02, PS -Sahebpur, Kamal District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2025 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Anish Chandra, learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Sahebpur Kamal P.S. Case No. 25 of 2025, F.I.R. dated 05.02.2025 registered for the offences punishable under Sections 191(2), 223, 352, 109(1) of B.N.S. 2023 and Sections 25(1-b)a, 26, 35, 27 of the Arms Act.

3. The prosecution case, in brief, is that the informant along with other 4 police personnel were standing at Zero Mile Golamber and saw that 8 persons over 3 different motorcycles were going towards village Hiratol from Zero Mile Golamber, and on one motorcycle out of three, one middle person was



passing by shouting and waving his hand having weapon. When the police followed them one person fired over police. Any how police had caught the person who had fired over them but rest of the accused persons fled away and the apprehended person disclosed the name of the petitioners and also disclosed that they used to do crime on the basis of force of arms.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list the recovery has been made from co-accused person namely Ravi Kumar Yadav and the name of the petitioner has been transpired on the basis of disclosure made by co-accused person Ravi Kumar Yadav and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and recovery has been made from co-accused person and the name of the petitioner has been transpired on the basis of disclosure



made by co-accused person, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 25 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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