

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89179 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- PARSA District- Saran

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Rohit Kumar Son of Sudhan Singh Resident of Village- Thahara Bhata, P.S. -
Maker, District- Saran at Chapra - 841215. Presently residing in Village -
Pokharpur, P.S. - Parsa, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr.Jeetendra Narayan, learned counsel for

the petitioner and Mr.Md. Mushtaque Alam, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Parsa P.S. Case No.142 of 2024, dated
29.04.2024 registered for the offences punishable under
Sections 399 & 402 of IPC and Sections 25 (1-b)(a) and 26 of
the Arms Act, 1959.

3. According to prosecution case, on a raid one
loaded country made katta having one live cartridge, one
cartridge kept in the pocket of the pant and one mobile was
recovered by the police officials.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Dhiraj Kumar and it appears from the seizure list that the recovery has been made from possession of co-accused person, namely, Dhiraj Kumar and except the disclosure made by co-accused person, namely, Dhiraj Kumar, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and similarly situated co-accused person, namely, Rahul Kumar, his name has also been disclosed by co-accused person, namely, Dhiraj Kumar, has been granted privilege of anticipatory bail by this Court vide order dated 07.08.2024 passed in Cr. Misc. Nos.47718 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely,



Dhiraj Kumar and similarly situated co-accused person has been granted privilege of anticipatory bail by this Court, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Saran at Chapra in connection with Parsa P.S. Case No.142 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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/her 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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