

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11522 of 2018

Arising Out of PS.Case No. -22 Year- 2017 Thana -PATLIPUTRA RAIL P.S. District- PATNA

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Rakesh Kumar @ Pintu @ Fauzi, S/o Ram Udit Mahto, Resident of Village-
Shivnar, Police Station-Mokama, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 30-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.08.2017 in connection with Sessions Trial No. 725 of 2017
arising out of Patliputra Junction P.S. Case No. 22 of 2017 for
offences punishable under Sections 25 (1-b)a, 26, 35 of the Arms
Act.

The prosecution case, as lodged by the police
personnel, is that during course of checking at Patliputra Junction,
three persons were found to be in suspicious condition and on
seeing the police party, they tried to flee away but were
apprehended and the petitioner was one of them. On search from



the pocket of the petitioner one country made pistol with three live cartridges was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history although he had made accused in two cases of different nature and in one criminal appeal is pending. He submits that charge sheet has already been submitted, no overt act has been alleged and that there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Additional Sessions Judge, XI, Patna in connection with Sessions Trial No. 725 of 2017 arising out of Patliputra Junction P.S. Case No. 22 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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