

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23963 of 2019

Arising Out of PS. Case No.-308 Year-2014 Thana- BIDUPUR District- Vaishali

=====

RAGHUBIR KUMAR, aged 23 years, Male, Son of Sonful Singh Resident of
Village - Raja Pakar Dakshin tola Sanichar Pethia, P.s.- Rajapakar, Distt.-
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Bidupur
P.S.Case No.308 of 2014 for the offence alleged under Sections
399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on information that five miscreants in two
motorcycles are preparing to commit robbery in the patrol
pump, the police raided the place and apprehended four persons
with two motorcycles while one managed to flee away. The
apprehended co-accused named the petitioner who had fled
away. From the possession of the apprehended co-accused Raju



Kumar Singh arms and ammunitions were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the co-accused who was apprehended along with the arms has already been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.8667 of 2015 dated 01.05.2015, the petitioner is languishing in judicial custody since 30.07.2018 and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence/witnesses. He further submits that no case under the Arms Act is made out against the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent as one more case is pending against him.

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted and one of the co-accused has been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bidupur P.S.Case



No.308 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the following conditions:-

(i) 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.

(ii) 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)

B.Kr./-

U		T	
---	--	---	--

