

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18121 of 2020**

Arising Out of PS. Case No.-1358 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Rupesh Kumar, Son of Bhola Thakur, Resident of Village- Sain Tole Ramray,
P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 03-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No.1358 of 2019 instituted for the offence punishable under Section 399/402 of the Indian Penal Code and Section 25(1-b)A, 26 and 35 of the Arms Act.

Having no criminal antecedents, the petitioner's



Counsel submits that the petitioner is in custody since 15.11.2019. The allegation is of recovery of one loaded country-made pistol from the petitioner's possession. The petitioner's Counsel submits that it is a case of false implication due to extraneous considerations as the petitioner did not fulfil the illegitimate demand of the police. The motorcycle which the petitioner was riding with co-accused Ankit Kumar stands in his own name.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No.1358 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any



change in the address of the petitioner.

- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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