

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16497 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- NOKHA District- Rohtas

RAKESH KUMAR Son of Sri Santosh Chaudhary Resident of Village- Ward
No.65, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Adv
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Nokha P.S.
Case No. 149 of 2020 for the offences registered under Section
414 of the Indian Penal Code and Sections 25(1-b)A and 26 of
the Arms Act.

During the routine checking, it is alleged that
informant (A.S.I.) stopped the petitioner while he was coming



on the motorcycle. He attempted to flee away but was apprehended. The motorcycle, a mobile phone and a pistol with magazine had been recovered from his possession.

It is submitted by petitioner's counsel that petitioner has no criminal antecedents. The charge-sheet has been submitted in this case for the offences under Arms Act and not under Section 414 I.P.C. This fact itself casts a grave doubt on the prosecution story. The petitioner is stated to be in custody now since 25.7.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Rohtas in Nokha P.S. Case No. 149 of 2020, 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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