

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23090 of 2021

Arising Out of PS. Case No.-161 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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RUPESH KUMAR S/O JYOTI PASWAN R/o village- Sahabad, P.S.-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Mithilesh Kr. Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 307, 353, 504, 414 of the
Indian Penal Code, Sections 25(1-b)a,26, 35 of the Arms Act
and Sections 145, 147, 152 of the Railway Act.

On raid, some miscreants including the petitioner
were arrested, while other managed to escape away. Petitioner is
alleged to have pointed his pistol during his raid.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that one country made pistol and live cartridge were recovered from the possession of the petitioner. Charge-sheet has also been filed in the case. He submits that similarly situated co-accused has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 28454 of 2020 on 11.11.2020. He further submits that petitioner he is languishing in judicial custody since 21.10.2019.

Considering the facts and circumstances of the case and the fact that the similarly situated co-accused has been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with G.R.P. (Bakhtiyarpur) P.S. Case No. 161 of 2019, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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