

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37154 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- DESARI District- Vaishali

Rahul Kumar Son of Shailendra Sharma Resident of Village- Gokhula, P.S.-
Bhagwanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Desari P.S. Case No. 8 of 2020 instituted for the offences under
Section 120(B) of the Indian Penal Code read with Sections 25
(1-b), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.01.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that on secret information the
police force reached the place of occurrence and apprehended
the petitioner and from his possession, one country-made pistol
and two live cartridges were recovered. It is further alleged that



the petitioner disclosed that he along with the accused who fled away were planning to kill a police spy, Kamlesh Rai and one Sarvan Sahni was to act as a liner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and at best it is a case under the Arms Act in which it is alleged that a country-made pistol and two live cartridges were recovered.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.01.2020 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 8 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that the petitioner will have to mark his attendance in the concerned police station in between 20th to 25th of every month commencing from January 2022 till the charges are not framed and in the event if the police reports to the learned court below that that petitioner in between the aforesaid



dates in any of the month has not marked his attendance before framing of charges, the learned court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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