

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38428 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- MOTIPUR District- Muzaffarpur

RADHEYSHYAM @ RADHEY SHYAM KUMAR Son of Bhuneshwar Das
At- Panapur Jadu, Dabra Pokhar, P.S.- Panapur O.P. Minapur, District -
Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Motipur P.S. Case No. 69 of 2021 registered for the offences punishable under Sections 413, 414, 399, 400, 402, 120B/34 of the IPC and Sections 25(1-B)a, 26, 35 of the Arms Act.

Two live cartridges are said to have been recovered from possession of the petitioner whereas country made pistol and cartridges are said to have been recovered from possession of co-accused persons. Two motorcycles were also seized by the police.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that present case is frivolous one lodged against the petitioner on the basis of false implication by the police. Learned counsel further submits that co-accused Shashi Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 02.11.2021 passed in Cr. Misc. No. 44074 of 2021. Petitioner is in custody since 05.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate, II, West, Muzaffarpur in connection with Motipur P.S. Case No. 69 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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