

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37281 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- RAJEPUR District- East Champaran

Roshan Rai @ Raushan Kumar, Son Of Amardeo Rai, Resident Of Village
Shobhitapur, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Rajepur
P.S. Case No.151 of 2019 for the offence punishable under
Sections 399, 402 of the Indian Penal Code and Sections 25(1-
b)a, 35 of the Arms Act.

The petitioner is accused of having been arrested
while in possession of a country made pistol, loaded with one
live cartridge. He is in custody since 14.12.2019.

It is submitted by the counsel for the petitioner that it
is a case of false implication. Recovery is not in accordance
with law. Though the petitioner has 11 antecedents, he is on bail
in all the earlier cases.

Learned APP for the State has opposed the prayer for



bail.

Considering the rival submissions, this Court is inclined to allow the 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 Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari, in connection with Rajepur P.S. Case No.151 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.

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

(Madhuresh Prasad, J)

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