

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9251 of 2021**

Arising Out of PS. Case No.-97 Year-2016 Thana- CHANDRADIP District- Jamui

RAJKISHORE KUMAR @ RAJKISHORE SINGH S/o Shambhu Singh R/o
Village- Jaitpur, P.S.- Barhiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Chandradeep
P.S. Case No.97 of 2016/G.R. No.1920 of 2016, registered for
the offence punishable under Sections 25(1-b)a/26/35 of the
Arms Act.

The prosecution case in short is that informant had
received information that two motorcycle riders has shot one
person in village parsama and both were fleeing away but the
neighbouring persons were throwing bricks-stone over them.
Thereafter police team reached there and saw that the villagers
had caught a person. It was alleged that this person had killed
one Md. Aslam by firing and while he was fleeing away, he was
caught by the villagers. He disclosed his name as Raj Kishore



Kumar (petitioner). On search, a loaded pistol with two cartridges as well as a country made revolver with one cartridge and two 0.315 cartridges from his pocket was recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case merely on suspicion. No such occurrence, in the manner alleged has ever taken place. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that for the same occurrence, another case bearing Chandradeep P.S. Case No.96/2020, u/s 302, 307/34 and 120(B) IPC was lodged against the petitioner and the present case is lodged for the offence committed under the Arms Act. Learned counsel fairly submits that in that case, the prayer for bail of the petitioner was rejected by a co-ordinate Bench of this Court. The petitioner has two criminal antecedent apart from this case and Chandradeep P.S. Case No.96/2020. He has been languishing in custody since 09.10.2016.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the petitioner has undergone custody of more than five years, the above named petitioner is directed to be enlarged on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui/Incharge Successor Court in connection with Chandradeep P.S. Case No.97 of 2016, G.R. No.1920 of 2016.

(Anjani Kumar Sharan, J)

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