

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3111 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- NAGAR District- Vaishali

Rahul Kumar Son of Ganga Sahni @ Doman Sahni R/O Village/Mohalla-
Nakhas Chowk, Mitha Kua, P.S.- Town Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 162/2021 registered for the offences
punishable under Sections 399, 402, 353, 307, 413, 414 of the
Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the
Arms Act.

As per prosecution case, there is alleged recovery of
one Desi Katta alongwith one live cartridge from the possession
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner has been wrongly implicated in this case by the police only due to his earlier implication in Hajipur Town P.S. Case No. 312/2020 of the same police station. The petitioner is languishing in custody since 21.02.2021 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 162/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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