

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7150 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- MAJORGANJ District- Sitamarhi

RAKESH KUMAR SON OF VRIJ BIHARI PRASAD Resident of Village -
Ramnagar, P.s.- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Majorganj P.S. Case No. 135 of 2021 registered for the offence
under Sections 414 of the IPC and Sections 25(1-b)a, 26 and 35
of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.07.2021.

The allegation against the petitioner is to have in
possession of one country made pistol along with one live
cartridge.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of country made pistol and one cartridge was made from under the seat of motorcycle and as such, it cannot be gathered that alleged recovery was made from conscious physical possession of the petitioner. It has further been submitted that the petitioner is involved in one similar case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Majorganj P.S. Case No. 135 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-I, Sitamarhi,
subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vrij Bihari Prasad, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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