

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13030 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- ATHMALGOLA District- Patna

RAKESH KUMAR @ RAJESH KUMAR Son of Babu Lal Rai Resident of
Village - Naya Tola , Sabnima , P.s.- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Athmalgola P.S. Case No. 152 of 2021, for the offence
punishable under Sections 25 (1-B)a, 26 of the Arms Act.

The prosecution case, in brief, is that in course of
vehicle checking the petitioner found fleeing from the tempo.
On search, one loaded country made pistol and one live
cartridge recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. The petitioner was not possessed with
any arms or ammunition. The seizure-list was prepared in Police
custody, while the petitioner was apprehended in connection



with another case as such the same do not have any legal validity. The petitioner is in custody since 12.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that several cases with similar allegation are pending against the petitioner, it would not be proper in the interest of society to release the petitioner.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, there is no allegation of tampering the evidence or influencing the witnesses, Chargesheet has already been submitted. The trial is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Barh, Patna in connection with Athmalgola P.S. Case No. 152 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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