

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19184 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- BUNİYAD GANJ District- Gaya

Rohit Kumar, Son of Mohan Chaudhary Resident of Village - Vijpura, P.S.-
Bhagwanpur, Distt.- Patna, at present resident of House of Rambriksha
Chaudhary, Village - Pampu Pur, Manpur, P.S.- Buniyadganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

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

The petitioner is in judicial custody in connection
with Buniyadganj P.S. Case No.236/2021 instituted under
Sections 413, 414/34 of the Indian Penal Code and 25(1-b)a,
26,35 of the Arms Act.

The petitioner was one of the four persons who was
riding on a motorcycle. When the police intercepted them, they
failed to provide document for the said motorcycle. On further
search, it is alleged that from the pocket of the petitioner, a live
cartridge was recovered. Accordingly, the same was
recovered/seized and the petitioner was taken into custody.



Learned counsel for the petitioner submits that he do not have any criminal antecedent. He was riding the motorcycle of his friends and was not in the know of the fact that the motorcycle is stolen. He further submits that he is in custody since the date of the occurrence i.e. 01.11.2021 (as stated in para-9 of the bail application). He lastly submits that the petitioner do not have criminal antecedent.

Taking into account the aforesaid fact that the petitioner do not have criminal antecedent, he is in jail since 01.11.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. If however it is found that he do have criminal antecedent, the bail application shall stand rejected.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Buniyadganj P.S. Case No.236/2021 to the satisfaction of learned A.C.J.M.,VIII, Gaya, Judicial Railway Magistrate, Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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