

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25669 of 2022

Arising Out of PS. Case No.-113 Year-2020 Thana- SHASTRINAGAR District- Patna

RAJVEER SINGH @ CHHOTU Son of Sri Anil Kumar Singh Resident of Village - Bisha, Balmiki Nagar, P.S. - Balmiki Nagar, District - West Champaran (Batiya), at present address Rukanpura Mushhari Ke Pass, Rental house of Rai Jee, P.S. - Rupaspur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-09-2022 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 Shastri Nagar P.S. Case No. 113/2020 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of one pistol and six live cartridges 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 is languishing in custody since 24.02.2020 and bears criminal antecedent of 06 cases out of 04 cases he is on bail. As per FIR, it appears that only white colour pistol alongwith six



live cartridges were recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that no T.I. Parade has been conducted till date. Co-accused, Mithilesh Kumar @ Dara has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.38146/2021 and the case of present petitioner stands more or less on similar footing.

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 which is more than two years, co-accused has already been granted bail, 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Patna in connection with Shastri Nagar P.S. Case No. 113/2020, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If the petitioner violates any of the conditions as enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

