

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34516 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

RAKESH KUMAR SINGH Son of Ratneshwar Prasad Singh Resident of
Village- Mehiya, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar,Adv
For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Chapra
Muffasil P.S.Case No.275 of 2020 registered for the offence
under Sections 25(1-b),26 and 35 of the Arms Act.

The prosecution case, in short, is that on 02.07.2020,
the informant has proceeded alongwith constable for wanted
culprits and in way of Bintoliya village he found that three
persons with two motorcycles were coming from there pointed
out to stop the single and during the course of search one loaded
pistol, mobile and motorcycle has been recovered in presence of
witnesses and same has also been recovered from co-accused-
Anand Sankar and from other named Aman Kumar Singh
nothing has been recovered and seizure list has also prepared at



spot and handed over to the culprits. It is further alleged that the apprehended persons could not reply the satisfactory answer and on the basis of this fact the case has been registered against the petitioner and others.

Learned counsel appearing for the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol, one Nokiya Mobile and one Pulser Motorcycle has been recovered from possession of the petitioner. He further submits that the said motorcycle belonged to the friend of the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the charge has already been framed on 07.09.2020. Till date no witness has been examined by the prosecution.

Considering the aforesaid facts, this Court vide order dated 14.12.2021, called for a report with regard to the stage of the trial.

The report reveals that the process of bailable warrant has been issued against the non-examined prosecution witnesses named in the chargesheet and the case is presently pending for prosecution evidence.

Learned counsel for the petitioner further submits that



the petitioner is in custody since 03.07.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Chapra Muffasil P.S.Case No.275 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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