

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28801 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- SHANKARPUR District- Madhepura

Rakesh Roshan @ Bablu Kumar S/o Upendra Yadav Resident of Village-
Kamaljari, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 221 of 2021 lodged under Sections
399/402 of the I.P.C. read with Section 25(1B)a, 26, 35 of the
Arms Act.

As per the F.I.R., the present case has been lodged
under Section 399/402 of the I.P.C. in which the recovery was
made from the house situated at Moura village Ward No. 5 P.S.
Shankarpur, District Madhepura. The copy of the said seizure
list has been served upon the present petitioner and co-accused
Sagar Kumar. At the said place, recovery of loaded desi katta

and one live cartridge are made from the Mandap.

Learned counsel for the petitioner submits that there are 11 criminal cases pending against the petitioner. Counsel submits that from the F.I.R. itself, it transpires that no offence of loot or dacoity has taken place. Counsel submits that there are 11 antecedents of the petitioner and he is persuading for bail in some cases and in some cases he is on bail. Counsel further submits that he is in custody since 15.12.2021 and charge sheet has already been filed in this case. Counsel submits that his name has figured in this case on the instance of one Rameshwar Yadav who is the leader of police and altercation took place with him on petty issues. Counsel submits that the alleged recovery of arms has not been made from the conscious possession of the petitioner. Counsel submits that the other similarly co-accused person Sagar Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 18009 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned A.C.J.M. Ist, Madhepura in connection with Shankarpur P.S. Case No. 221 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

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