

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30853 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- MANIYARI District- Muzaffarpur

UPENDRA KUMAR S/o Sri Vishwa Nath Ray R/o Village-Mahana Road,
P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Section 413, 414/34 of
the Indian Penal Code and under Section 25(1-b)a/26/35 of the
Arms Act in connection with Maniyari PS. Case No.-19 of
2022.

As per the prosecution story, the police during
patrolling, intercepted an Apache motorcycle and apprehended
three persons including the petitioner. Upon search, it is alleged
that one loaded country made pistol and a mobile phone was
recovered/seized from the possession of the petitioner. As he



failed to submit any document, the same was seized and along with other co-accuseds, he too was arrested.

Learned counsel for the petitioner submits that for the said alleged occurrence, he has already suffered by being in custody since 16.1.2022 (as stated in para-10 of the bail application). He further submits that co-accused Rohit Kumar and Murari Kumar have since been released on bail vide Cr. Misc. No. 17684 of 2022 and Cr. Misc. No. 17541 of 2022 respectively.

Let the same be kept on record.

Considering the aforesaid facts that he is in custody since 16.1.2022, the charge-sheet stands submitted and some of the co-accuseds have since been enlarged on bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate-1st Class, (West), Muzaffarpur, in connection with Maniyari PS. Case No.-19 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight 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 take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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