

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35156 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- JANDAHA District- Vaishali

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Rakesh Kumar @ Rakesh Mahto Son Of Sita Ram Mahto R/O Village-
Shahpur Patori Hasanpur Patori, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 414, 399 and 402 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms
Act.

Recovery is of one country made pistol and one live
cartridge and one motorcycle from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that one country made pistol and one live cartridge and one motorcycle have been recovered from the possession of the petitioner. He further submits that there is no case is made out under Section 414 of the I.P.C. because the I.O. did not find out the ownership of he motorcycle. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries thirteen criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jandaha P.S. Case No. 167 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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