

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36327 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

RAHUL KUMAR, Son of Mr. Raju Kumar Resident of Mohalla - Imamganj
Near Peer Momin Sah Mazar, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-09-2022 Heard Mr. Ritwik Thakur, learned counsel for the

petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Muzaffarpur Town P.S. Case No.175 of 2022 instituted
under Sections 401,353,307,120(B)/34 of the Indian Penal Code
and Section 25(1-b)a,26,27,35 of the Arms Act.

The long FIR lodged by the police although takes
different paths in which there is also allegation of one Sumit
Kumar opening fire on the police; so far as the present petitioner
is concerned, the allegation is restricted to recovery of OPPO
Android Mobile with SIM along with 7.65 mm magazine
wrapped in polythene with two live cartridges. Accordingly, he
too was made accused and is in custody since 28.02.2022.



Learned counsel for the petitioner submits that he has been made accused in Govind Drauliya murder case and only because of that he also found himself implicated in the present case and the police has allegedly shown recovery of the same from his house.

Learned APP on the other hand submits that the role of the petitioner in the present case cannot be ignored in view of the fact that he has also been found to be an accused in the aforesaid Govind Drauliya murder case.

Taking into account the fact that so far as the present case is concerned, he is in custody in connection with the recovery/seizure of OPPO Androd Mobile with SIM along with 7.65 mm magazine wrapped in polythene with two live cartridges, is in custody since 28.02.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail after framing of the charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Muzaffarpur Town P.S. Case No.175 of 2022 to the satisfaction of learned Chief Judicial Magistrate,



Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the Trial 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)

Prakash Narayan /-

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