

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48764 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- RAJPUR District- Rohtas

RAHUL SHUKLA S/O VIJAY SHANKAR SHUKLA R/o village-
Shukulpipara @ Shukla Pipara, P.S.- Mohania, District- Kaimur at Bhabua
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 25.01.2021, seeks
regular bail in connection with Rajpur P.S. Case No. 16 of 2021
registered for offences punishable under Sections 25(1-b)a/26 of
the Arms Act.

Prosecution story in brief is that upon suspicion,
police team had apprehended the present petitioner and on
search 11 live cartridges of AK-47 were recovered from his
possession.

Learned counsel appearing on behalf of the petitioner
submits that on the basis of illegal seizure prepared in police



custody petitioner was forced to put his signature on the same and on the basis of illegal the very seizure is doubtful. In fact, nothing was recovered from the conscious possession of the petitioner and in this respect, he has made a specific statement in paragraph no. 8 of the present bail application. He further submits that due to vexatious act of the police, petitioner has been roped in the present case just after his release on anticipatory bail in another case bearing Bhabua P.S. Case No. 399 of 2019. Petitioner is in custody since 25.01.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the period of custody undergone by the petitioner, nature of allegation made in the FIR, there is no allegation of tampering the evidence of influencing the witnesses and trial is also not likely to be concluded soon, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Bikramganj (Rohtas) District-Rohtas at Sasaram in connection with Rajpur P.S. Case No. 16 of 2021 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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