

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37330 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- BARHAT District- Jamui

Roshan Kumar S/O Raj Kishor Singh Resident of Village- Sagdaha, P.S.-
Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect, 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
Barhat P.S. Case No. 23 of 2022 lodged under Sections 399, 402
of the I.P.C. and 25 (1-b)a, 26 and 35 of the Arms act.

As per the prosecution case, the allegation is that 11
named accused persons were planning and preparing for the
daoity in the meantime police raid in the house in which five
persons have been apprehended and subsequently others names
also included in the FIR. The learned counsel for the petitioner
submits that it is true that he was apprehended from the place of
occurrence but it is also true that from his possession only an

android mobile phone has been recovered and except this nothing else has been recovered. Learned counsel further submit that in the content of FIR only mobile was recovered but from the seizure list there was only recovery of Rs/- 47,600 from the petitioner.

Learned Counsel for the petitioner submits that the petitioner is in custody since 12.03.2022, charge sheet has already been filed this case. He further submits that petitioner is having clean antecedent.

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 Judicial Magistrate, Jamui in connection with Barhat P.S. Case No. 23 of 2022, 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.)

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