

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53906 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Rahul Kumar Son Of Rajo Mishra @ Rajkumar Mishra Resident Of Vill-
Akopur Gopalpur Ps - Cheriabariyarpur Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-04-2022

Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with
Cheriyabariarpur P.S. Case No.231 of 2020 under Section 25(1-b)a,
26(i) of the Arms Act lodged on 17.11.2020.

As per the prosecution case, on secret information the
police raided the 'Gumti' of the petitioner and recovered one pistol
which was seized. The petitioner managed to escape and
subsequently came into judicial custody only on 06.02.2021.

Learned counsel for the petitioner submits that he is
innocent and no recovery has been made from his conscious
possession and being in jail since 06.02.2021, he deserves bail.

Learned counsel for the State points out that the petitioner
has criminal antecedent inasmuch as he is accused in
Cheriyabariarpur P.S. Case No.145 of 2019 amongst other 379 of the
Indian Penal Code.

Taking into account the fact that the recovery has not been



made from his conscious possession, charge sheet already stands submitted as also the fact that he is in jail since 06.02.2021, this Court is inclined to grant him the privilege of bail. However, since he has criminal antecedent, certain conditions are necessary to put a check on him

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., (Manjhaul) Begusarai in connection with Cheriabariarpur P.S. Case No.231 of 2020 subject to following conditions:

(i) the petitioner shall appear on each and every date before the learned lower court and failure to do so for two consecutive dates, the trial court will cancel his bail bond;

(ii) the petitioner shall appear before the local police station every month for next six months to mark his presence;

(iii) the petitioner will desist himself from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail.

The application is allowed with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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