

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54889 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- SABAUR District- Bhagalpur

RAJESH KUMAR@RAHUL SON OF NAND KISHORE MANDAL
RESIDENT OF VILLAGE- CHANDHERI, P.S.- SABOUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Sabour P.S. Case No. 132 of 2021 registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to the F.I.R. one loaded country made pistol along with one live cartridge and the several mobiles and two motorcycles have been recovered.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. No arms as alleged in the F.I.R. has been recovered from the possession of the petitioner. It is also apparent from the F.I.R. itself that no occurrence has been committed by the petitioner. Moreover, no specific case of any incriminating recovery or any offence committed by him is made out against the petitioner. The petitioner is rotting in judicial custody since 19.05.2021.

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

Considering the facts and circumstances of the case, let the, above named, 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 learned J.M. -1st Class, Bhagalpur in connection with Sabour P.S. Case No. 132 of 2021 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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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