

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61526 of 2021**

Arising Out of PS. Case No.-295 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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RUPESH KUMAR Son of Shatrudhan Prasad @ Shatrudhan Sah Resident of
Village - Azad Chowk Dhaka, P.S.- Dhaka, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

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

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

The petitioner seeks regular bail in connection with
Motihari Town P.S. Case No. 295 of 2021 for the offence
punishable under Sections 399, 401 and 414 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegation is of recovery of one country made pistol
and one live cartridge from the possession of apprehended
accused Gopal Kumar, two live cartridges from the possession



of co-accused Vishal Kumar and one master key, one wrench and iron rod from the possession of Rajesh Baitha. Name of the petitioner surfaced in the confessional statement of apprehended accused persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner was not apprehended on the spot. Name of the petitioner surfaced in course of investigation on the basis of confessional statement of apprehended accused persons. Petitioner is in custody since 20.07.2021. Similarly situated co-accused namely Vishal Kumar and Rajesh Baitha have been granted bail by this Court and a co-ordinate Bench of this Court vide orders dated 02.02.2022 and 10.03.2022 passed in Cr. Misc. Nos. 41919 of 2021 and 55134 of 2021.

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

Considering the aforementioned facts and circumstances of the case and period of custody of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned CJM, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 295 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned police station under which his house is located fortnightly till conclusion of the trial and on any single



default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, East Champaran at Motihari.

(Purnendu Singh, J)

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