

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69586 of 2021**

Arising Out of PS. Case No.-233 Year-2021 Thana- NAUTAN District- West Champaran

Rakesh Sah, Son of Late Ram Sagar Sah R/o Village - Ekdarwa, P.S.-
Paharpur, District - East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 Heard learned counsel for the parties.

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

The petitioner is in judicial custody in connection
with Nautan (Jagdishpur) P.S. Case No.233/2021 instituted
under Section 414 of the Indian Penal Code and 25(1b)a,26,35
of the Arms Act.

Allegation against him is that the police upon
information intercepted two persons who were approaching
them from the opposite direction on a motorcycle. However, the
accused persons chose not to stop and try to fled away but one
of them were apprehended, he is the petitioner before this Court.



Upon search a loaded countrymade revolver was recovered/seized. He further stated that the motorcycle is also stolen one.

Learned counsel for the petitioner submits that only because he is having criminal antecedent that he founds himself to be implicated in this case and with the support of the para-9 of the bail application learned counsel for the petitioner submits that although the said recovery of the countrymade revolver and the motorcycle was done from the accused Mukesh Kumar the police let him off and instead apprehended this petitioner.

Considering the fact that the petitioner is in judicial custody since 28.06.2021 (as stated in para-16 of the bail application) and the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each in connection with Nautan (Jagdishpur) P.S. Case No.233/2021 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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