

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1340 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- NADI District- Supaul

RAJESH KUMAR @ RAKESH KUMAR Son of Krishnadeo Yadav Resident
of Village - Panchgachia Koni, Ward No.5, P.S.- Supaul Nadi, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present bail application has been taken out of turn based on the mentioning made by the learned counsel for the petitioner on the ground that own sister of the petitioner, Neetu Kumari is getting married to Amitabh Kumar on 12.05.2021.

The petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.09.2021, charge-sheet has been submitted in the case and has antecedent of one case.

Allegation is of recovery of two live cartridges from the house of the petitioner, it is further alleged that the petitioner



was apprehended based on a video footage where he along with other accused persons was seen carrying arms and ammunitions.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and even presuming what has been alleged is true, then allegation is of recovery of two live cartridges and cartridge without gun is useless.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 21.09.2021, charge-sheet has been submitted in the case and allegation is of recovery of two cartridges, let the petitioner above named be **released on provisional bail** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Supaul Nadi P.S. Case No. 61 of 2021 with a condition that one of the bailors of the petitioner shall be his father, Krishnadeo Yadav.

The learned court below will seek a report from the office of the Superintendent of Police, Supaul that as to whether the sister of the petitioner is getting married on 12.05.2021 or



not and in the event if the report records that the Court was misled for the purposes of bail, then the provisional bail granted to the petitioner shall be cancelled immediately and all coercive steps shall be taken to take the petitioner back behind the bars and in the event, if the report records that the ground on which the bail has been granted i.e., marriage of the sister of the petitioner is genuine, the provisional bail granted shall be forthwith confirmed.

(Satyavrat Verma, J)

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