

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.8861 of 2023**

Arising Out of PS. Case No.-713 Year-2022 Thana- DARBHANGA SADAR District-  
Darbhanga

=====

Rahul Kumar @ Rahul Kumar Mishra S/O Krishnanand Mishra Resident of  
Village- Nayaganon, P.S.- Raiyam, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate  
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

4      26-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
31.10.2022 in connection with Sadar (Mabbi O.P.) P.S. Case No.  
713 of 2022, F.I.R. dated 31.10.2022 for the offences punishable  
under Sections 25(I-b)a, 26 and 35 of the Arms Act.

Recovery is of one country made pistol and six live  
cartridges from the possession of the petitioner.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that from perusal of the F.I.R. as well as seizure list, one country made pistol, six live cartridges have recovered from the possession of the petitioner and one motorcycle was also recovered which belongs to the co-accused person, namely, Mithilesh Chauhan. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 31.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 713 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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