

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16789 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

RAJESH KUMAR S/O LATE HIT LAL SAH R/O VILLAGE-
BANGHARA, P.S- SIWAIPATTI DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.12.2022 in connection with Siwaipatti P.S. Case
No.240/2022, F.I.R. dated 12.12.2022, for the offences
punishable under Sections 398, 401, 411, 34 of the IPC &
Section 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, it is alleged that on
seeing the police party, the person one miscreant escaped,
however, two miscreants were apprehended, who disclosed their
names as co-accused, namely, Amresh Kumar and the petitioner
Rajesh Kumar and on being searched, one country made firearm
loaded with a live cartridge and also mobile phones have been
recovered from the possession of the co-accused, namely,



Amresh Kumar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that no arms have been recovered from possession of the petitioner. It appears from the seizure list that one Jio sim card has been recovered from the possession of the petitioner. He further submits that no case is made out under the Arms Act against the petitioner and the co-accused, namely, Amresh Kumar, from whose possession, arms have been recovered, has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No. 18088/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one.

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 SDJM, (East) Muzaffarpur in connection with Siwaipatti P.S. Case No. 240/2022, 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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