

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23984 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- MANSI District- Khagaria

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RUPESH SAH S/O LATE BENGU SAH R/O VILLAGE- ROHIYAR, P.S-
MANSI, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mansi P.S. Case No. 142 of 2021 registered under Sections 307, 353, 352 and 333/34 of the Indian Penal Code and Section 25(1-B), 26, 27 and 35 of the Arms Act lodged on 05.05.2021 by the informant, Dipak Kumar.

The allegations against these petitioners are that upon secret information that accused, Chabila Yadav and other accused persons are armed with arms, the police party went and challenged them. It is alleged that the accused persons resorted to indiscriminate firing on the police party. The same was also returned by the police and the accused persons, who were arrested from the spot was Chabila Yadav. The petitioner was



nabbed after a hot chase in which he too they resorted to firing.

Earlier prayer for bail of the petitioner was rejected vide order dated 15.04.2022 passed in Cr. Misc. No. 59935 of 2021.

In view of the fact that the petitioner is in custody since 06.05.2021 (as stated in paragraph-1 of the bail application) and has remained for almost two years, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -III, Khagaria in connection with Mansi P.S. Case No. 142 of 2021 subject to the 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

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

(Rajiv Roy, J)

Jagdish/Kiran-

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