

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23000 of 2023

Arising Out of PS. Case No.-279 Year-2021 Thana- BANIAPUR District- Saran

Rajesh Singh @ Rajesh Kumar Singh S/O Shatrudhan Singh R/O Village-
Rampur Koran, P.S- Madhaura, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 30.07.2021 in connection with S.Tr. No.552 of 2022 arising out of Baniyapur P.S. Case No. 279 of 2021, F.I.R. dated 29.07.2021 for the offences punishable under Sections 412, 413 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

3. The case relates to recovery of one pistol, 7.65mm which is in loaded condition, after unloaded four live cartridges from the possession of the petitioner as well as he is also involved in several robbery crime near Baniyapur police station.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered



from the conscious possession or the house of the petitioner and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely, Harshit Mishra rather the recovery has been made from the co-accused person Harshit Mishra. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.07.2021.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seventeen criminal antecedents other than the present one.

6. Vide order dated 18.05.2023 a report was called for with regard to the present stage of trial. Report dated 29.05.2023 of the learned trial court reveals that the charge has been framed against the petitioner and other co-accused persons under Section 413, 414 of the I.P.C. and Section 25(1-b)a, 26, 35 of the Arms Act and till date prosecution had not examined any witnesses.

7. Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 30.07.2021.



8. Considering the aforesaid facts and circumstances and period of custody, 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 Additional Sessions Judge 13th Saran at Chapra in connection with S.Tr. No.552 of 2022 arising out of Baniyapur P.S. Case No. 279 of 2021, 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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