

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22201 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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RINKU KUMAR @ ABHAY NANDAN SINGH S/O JAGAT NARAYAN
SINGH Resident of Village- Tariyani Chhapra, P.S.- Tariyani Chapra, District-
Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Motihari Town P.S. Case No. 320 of 2022, registered for
the offence punishable under Sections 25(1-B)a, 26 and 35 of
the Arms Act.

The FIR is a sequel of Motihari Town PS Case No.
318 of 2022. The weapon used in killing regarding which
Motihari Town PS Case No. 318 of 2022 has been lodged has
been recovered at the instance of one Mantu Mishra (co-
accused) who after his arrest had attributed the killing of Kunal
Kishore Kumar @ Kunal Singh to the petitioner.

Learned counsel for the petitioner submits that



allegation in the present FIR are based on exculpatory statement of co-accused, namely Mantu Mishra who was named as accused in killing of Kunal Kishore Kumar @ Kunal Singh by the informant(wife) claiming to be an eye witness in Motihari Town PS Case no. 318 of 2022. The petitioner also has no antecedent prior to the instant case. It is only after his implication in this case that he has been made an accused in Motihari Town PS Case No. 318 of 2022 also. Even recovery of the alleged weapon is at the instance of the co-accused, namely Mantu Mishra and no recovery has been made from the petitioner or either at his disclosure.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation in the instant case with reference to Motihari Town P.S. Case No. 318 of 2022, as also the fact that nothing has been recovered from the petitioner, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 CJM, East Champaran Motihari, in connection with Motihari Town P.S. Case No. 320 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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