

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25859 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- BARAUNI District- Begusarai

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RAUNAK KUMAR@FUCHFUCHIYA SON OF RAJESH SINGH Resident
of Village - Bihat, Tola - Khemkaranpur, Police Station - Barauni - District -
Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Barauni
P.S. Case No. 438 of 2022 dated 14.09.2022 registered for the
offence punishable under Sections 120(B), 307 and 34 of the
Indian Penal Code and Sections 25(1B)(a), 26, 27 and 35 of the
Arms Act.

3. The allegation against the petitioner is that he along
with other co-accused persons had indiscriminately fired upon
the public due to which the informant sustained fire-arm injury
on his knee of the right leg.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that F.I.R. was lodged against two unknown persons and petitioner's name has been transpired only on the basis of confessional statement of Yuvraj Singh @ Monu. The said Yuvraj Singh @ Monu has been granted bail *vide* order dated 22.05.2023 passed in Criminal Miscellaneous No. 21333 of 2023 by a Co-ordinate Bench of this Court. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the petitioner has been made accused in this case only on the basis of previous criminal cases which are mostly in the nature of Excise Act. Lastly, it has been submitted that the petitioner is in custody since 02.11.2022, having eight criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Barauni P.S. Case No. 438 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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