

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28577 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- LAKHISARAI District- Lakhisarai

RAJ KUMAR S/O RAM RATAN MODI R/O Village- Dhanauri, P.S-
Surajgarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.02.2023 in connection with Lakhisarai P.S. Case No.04/2023,
F.I.R. dated 01.01.2023, for the offences punishable under
Sections 395, 397 of the IPC & Section 25(1-b) a, 26, 27 and 35
of the Arms Act.

According to prosecution case, one loaded country
made pistol, one empty cartridge and one mobile phone have
been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that nothing has been recovered from conscious



possession of the petitioner rather the recovery has been made from the co-accused person, namely, Jitendra Kumar Vishwakarma. He further submits that no looted article has been recovered from the house of the informant, so, no case under Section 395 of the IPC is made out against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.02.2023.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 04/2023, 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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