

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31468 of 2023

Arising Out of PS. Case No.-121 Year-2019 Thana- PAROO District- Muzaffarpur

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RAUSHAN KUMAR SINGH @ RAUSHAN KUMAR @ GAMGAM SON
OF LATE RAVINDRA PD. SINGH @ LATE RAVINDRA KUMAR SINGH
VILLAGE- PHULAD @ PHULARH, PS-PAROO, DIST-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody in connection with Paroo P.S. Case No. 121 of 2019 for the offence under Sections 414 of the Indian Penal Code and Section 25 (1-b) a, 26 and 35 of Arms Act lodged on 22.03.2019 by the informant, Charan Ram.

The prosecution case, in brief, is that the informant got information that some miscreants are planning to commit crime and accordingly, he along with police personnel reached at place of occurrence. It is further alleged that on the sight of the policemen, three accused persons tried to escape leaving their motor cycle. However, after chase, one of the accused person was caught and the apprehended accused person stated his name as Abhinandan Sahani @ Kalu Sahani and from his



possession one country made pistol along with a cartridge was recovered and two mobile set as also Rs. 20,000/ and a gold ring was recovered. He gave the name of the escaped persons as Surendra Bhagat, Raushan Singh @ Gangam. As no valid document of pistol and motor cycle was/were produced, the FIR.

It is the contention of the learned counsel for the petitioner that his name has come in the confessional statement of co-accused Abhinandan Sahani @ Kalu Sahani and accordingly, he was remanded in the present case on 04.01.2023 (as stated in para 9 of the petition) when returned from Bombay where he lives for his livelihood. Further, despite being in jail since 04.01.2023, neither he has been put on T.I parade nor any incriminating articles recovered from his possession and/or from his house.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the custody period (04.01.2023) and no T.I. parade has been done, this Court is inclined to extend him the privilege of bail with conditions on the ground that he has criminal antecedent.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, West Muzaffarpur, in connection with Paroo P.S. Case No. 121 of 2019 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his 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 the 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 his bail bonds.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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