

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34388 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- MUSAHARI District- Muzaffarpur

=====

BIRENDRA KESHARI @ RAJA SINGH S/O MR. BINDESHWAR
PRASAD SINGH R/O Village- Manika Vishunpur Chand, P.S- Mushahari,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Mushahari P.S. Case No. 349 of 2022 dated 12.12.2022,
instituted for the offence punishable under Sections 25(1-b)a,
26, 35 of the Arms Act.

3. The allegation is of recovery of two pistol five live
cartridges and one empty cartridge from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he is falsely implicated in this case. It
is further submitted that there is a land dispute between the
petitioner and Sri Shambhu Prasad Singh (nephew of



Chandrakala Devi) due to which he has been falsely implicated in this case. It is further submitted that petitioner is the only son of his father and as in between 2007 to 2015 he was made accused in several cases due to which he left his village and started residing in a flat in Delhi. Learned counsel further submitted that the falsity of the present case is more evident from the fact that as per F.I.R., it is alleged that on two motorcycle four persons were allegedly seen coming and a pillion rider of one motorcycle allegedly got down and started fleeing away who was allegedly chased and apprehended and other three who were on motorcycle managed to escape and thereafter it is alleged that the petitioner who was apprehended from his possession two fire arm and cartridge were allegedly recovered apart from mobile phone etc. Lastly, it has been submitted that the petitioner is in custody since 13.12.2022, has seven criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed 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 Additional Chief Judicial Magistrate-10, Muzaffarpur (East) in Mushahari P.S. Case No. 349 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)

sankalp/-

U		T	
---	--	---	--

