

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36194 of 2023

Arising Out of PS. Case No.-163 Year-2021 Thana- RAJNAGAR District- Madhubani

MD. PHULHASAN @ PHOOLBABOO Son of Late Phajlu Rahman
Resident of village - Rahika Bazar, P.S.- Rahika, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Rajnagar P.S. Case No. 163 of 2021 registered for the offences under sections 399 and 402 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 05.06.2021 by the informant, Amrit Kumar Sah.

As per the prosecution story, the allegation is that police during patrolling on suspicion, apprehended accused persons and from them a loaded pistol, mobile phones as also live cartridges were recovered. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the name of the petitioner cropped up in course of investigation when one of the apprehended accused persons, Amit Mandal



gave his name. It is his further submission that the said Amit Mandal has since been enlarged on bail vide Cr. Misc. No. 60052 of 2021 as also the other co-accused vide different orders.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also custody period (16.01.2023), this Court is inclined to extend him the privilege of bail.

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 the learned A.C.J.M. I, District -Madhubani in connection with Rajnagar P.S. Case No. 163 of 2021, 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 *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 for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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