

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40290 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- RIVILGANJ District- Saran

VISHAL KUMAR @ ROHAN S/O SRI RANA LAL YADAV R/O
Vill/Mohalla. NW Narayanpur, Gudri, Behind State Bank of India, PS.
Bhagwan Bazar, Dist. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Rivilganj P.S. Case No. 09 of 2023 registered for the offences under sections 414 and 34 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 07.01.2023 by the informant, Kundan Kumar.

As per the prosecution story, upon secret information, the police initiated vehicle checking in course whereof intercepted a motorcycle which tried to escape but were apprehended and on search from this petitioner, one country made pistol with live cartridges and a mobile phone were recovered/seized. There was also a recovery/seizure from the



other co-accused Rupesh Kumar Singh @ Kali and further the motorcycle was stolen one. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he was driving the motorcycle of Rupesh Kumar Singh little realizing that the same is stolen one and further the police implicated by putting the allegation of recovery of pistol/cartridge for which he has already suffered by being in custody since 08.01.2023 (as stated in paragraph 14 of the bail application) only because he has criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is recovery/seizure of country made pistol and cartridges.

Considering the submissions put forward by the learned Counsel for the petitioner as also the period of custody, this Court is inclined to extend him 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 J.M., Saran in connection with Rivilganj P.S. Case No. 09 of 2023, 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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