

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37390 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- KATRA District- Muzaffarpur

Sanjay Kumar Son Of Kishun Rai @ Kishundeo Rai @ Krishana Dev Ray
Resident Of Village- Rajghat, Ps- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner is in judicial custody in connection with Katra P.S. Case No.425 of 2022 instituted under Section 25(1-b)a,26/35 of the Arms Act lodged on 28.11.2022 by the informant Shamsheer Alam.

As per the FIR, the informant Shamsheer Alam S.I. has alleged in his written statement that, on 28.11.2022 at about 15:10 hrs., the informant and other police officials were on patrolling duty, they saw, four persons boarded on a motorcycle coming from Lohiya Chowk and on the sight of police, they turned their motorcycle and tried to escape. Although, two persons succeeded in escaping whereas two persons were apprehended by the police. Further, allegation in the FIR is the apprehended persons disclosed their names as Sanjay Kumar



(petitioner) and Vidhayak Kumar. They also told the names of escaped persons as Rajesh Kumar and Manish Kumar. On search, one country made pistol loaded with 315 bore of cartridge was recovered from his possession of the petitioner while one .315 bore cartridge from the possession of Vidhayak Kumar. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that he was on the road when was apprehended by the police and falsely implicated in this case. The last submission is that he is in custody since 29.11.2022 (as stated in para-9 of the petition)

Learned APP opposes the prayer for bail.

Considering the fact that he has no criminal history , is young boy of 21 years has remained in custody since 29.11.2022 and will have to ultimately face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Katra P.S. Case No.425 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, East Champaran, Muzaffarpur, subject to 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 fortnight for next six months 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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