

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37866 of 2023

Arising Out of PS. Case No.-172 Year-2021 Thana- KARJA District- Muzaffarpur

Rakesh Kumar Son Of Hari Nandan Ray Ro Vill Madhopur Ps Vaishali Dist
Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pranav Kumar, Advocate
	:	Mr. Bhubneshwar Mahto, Advocate
	:	Ms. Anjan Gupta, Advocate
	:	Mr. Rajeev Ranjan No.II, Advocate
For the Opposite Party	:	Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with Kajra
P.S. Case No. 172 of 2021 dated 14.08.2021, instituted for the
offences punishable under Sections 25(1-b)a, 26, 35 of the Arms
Act.

3. As per the case of prosecution, one country-made
pistol and two live cartridges were recovered from the waist of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this
case. It is submitted that no incriminating article has been



recovered from the conscious possession of the petitioner. It is further submitted that the Police has forcefully taken the signature of the petitioner on the plain paper, which was used in preparation of seizure list. Lastly, it has been submitted that the petitioner is in custody since 14.08.2021, has one case 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 J.M.-1st Class, Muzaffarpur in Kajra P.S. Case No. 172 of 2021, subject to the following conditions:-

- i. 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.
- ii. One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

iii. 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.

iv. 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)

shanu/-

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

