

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40172 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHUA District- Vaishali

=====

BEERU KUMAR S/O SUSHIL GUPTA RESIDENT OF VILLAGE-
MAHUA SINGH RAI (MATIA SINGH RAI), PS MAHUA DISTRICT
VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Mahua P.S. Case No. 28 of 2023 for the offence under Sections 401, 402, 412 and 414/34 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act lodged on 20.01.2023 by the informant, Santosh Kumar Pankaj.

The prosecution case in brief, is that on 19.01.2023 at 8.40 P.M. the informant Police Sub-Inspector received information that 5-6 criminals after committing robbery/dacoity in a grocery shop in Kanhauli Bazar fled away on two motorcycles towards Hajipur. On such information, the informant alongwith other police personnel started checking vehicle near Jay Hanuman Hotel, Kanhauli Bazar. In the meantime, at 11.20 P.M., the informant received information



that in the house of Binod Ram of village Bishunpur Bejha some youths have concealed articles.

On this information, in the night of 19th-20th January, 2023, the informant and other police personnels surrounded the house of Binod Ram and searched. During search in a room, four youths boys were found in suspicious condition, who seeing the police tried to flee away but they were apprehended with the help of armed forces.

On search, one country made pistol and a live cartridge from the bed of Sanny Kumar @ Kallu was recovered. Rs. 3500/- from the pocket of jacket of Ranvijay Kumar @ Bittu was recovered. One looted mobile from Akshya Raj @ Guddu Kumar was recovered while one sharp edged knife and a country made pistol alongwith a live cartridge were recovered from the possession of Ritesh Kumar.

Outside of the house, one Splendar Pro motorcycle bearing registration no. JH07G-8608 was also recovered. Accordingly the seizure list of all the recovered articles was prepared. No valid license or papers of seized illegal arms and motorcycle were produced by them. The apprehended all the four accuseds also disclosed the names of their two other associates namely Satyam Kumar and Biru Kumar, who were



also involved robbery and had went to bring food from Line Hotel. Thereafter on raid, accused Satyam Kumar and Biru Kumar were also apprehended from the Line Hotel and from the possession of Satyam Kumar one cartridge and Android phone of Vivo Company were seized and from the possession of Biru Kumar one sharp edged knife and torch were seized as also one motorcycle bearing registration no. BRO6X 0103 was seized. All the apprehended accused persons were arrested and the seizure lists of the seized articles were prepared. The detailed fact is mentioned in the F.I.R..

It has been contended by the learned counsel for the petitioner that the persons who have been alleged in the occurrence are Sunny Kumar, Ranvijay Kumar, Akshay Raj and Ritesh Kumar and all the recoveries are from the said apprehended persons. Further, upon their confession that they have other associates namely, Satyam Kumar and Beeru Kumar (the petitioner herein) who were away to a line hotel to bring food, the police apprehended from the said line hotel. It is alleged that from this petitioner, one sharp edged 'knife' and torch were recovered. He further submits that for the same, he has already suffered by being in custody since 21.01.2023 (as stated in paragraph 11 of the petition). The last submission is



that the accused Akshay Kumar @ Guddu Kumar and Sunny Kumar @ Kallu have since been granted bail vide Cr. Misc. No. 35537 of 2023 and Cr. Misc. No. 36682 of 2023, respectively.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has remained in custody since 21.01.2023, this Court is inclined to extend him the privilege of bail with conditions.

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 learned J.M.-1st Class, Successor Court, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 28 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/her 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 one year to mark his 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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

