

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40691 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- RAGHOPUR District- Supaul

=====

SRIKANT KUMAR S/o Sri Ramdev Ram Resident of village-Satanpatti
Ward No.-07, P.S.-Raghopur, District-Supoul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Zainul Abedin, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 On call, no one appears on behalf of the petitioner
although learned APP for the State is present.

The petitioner is an accused in connection with
Raghopur P.S. Case No. 341 of 2022 registered for the offences
under section 414 of the Indian Penal Code and sections 25(1-
B)a, 26 and 35 of the Arms Act lodged on 01.09.2022 by the
informant, Rajnish Kumar Keshri.

The prosecution case, on the basis of self statement of
police S.I. Rajnish Kumar Keshri, SHO Raghopur, is short, that
on 01.09.2022 at about 06:15 A.M., he received a secret
information that four boys were standing along with illegal arms
and stolen motor-cycle near the house of Yasin Miyan at village
Koriyapatti Ward No. 9. After getting this information, he
registered 'Sanha' and on verification he along with other police



personnel reached at the place of occurrence and saw two persons riding on pulser motor-cycle and two persons riding on Scooty trying to escape. They were caught with the help of police force along with their Motor-cycle and Scooty. On interrogation, they disclosed their names Manish Kumar, Sintu Kumar, Srikant Kumar (petitioner) and Raushan Raj.

Thereafter, the informant started searching the body of apprehended persons in the presence of two independent witnesses namely Subhash Kamar and Sanjay Kumar and in course of search, one loaded pistol from the left side of waist of co-accused Manish Kumar along with one mobile of Samsung company from the left pocket of his jeans, cash of Rs.3000/- and one pulsar motor-cycle without registration number were recovered.

One loaded country made pistol was recovered from the left side of waist of accused petitioner along with a mobile was recovered. Further, two live cartridges from the right pocket of jeans of co-accused Sintu Kumar one mobile of Vivo Company was recovered as also one magazine of pistol, four live cartridges, one mobile of Realme company and one scooty of Honda company bearing registration No BR-19Q-4262 were recovered from the possession of co-accused Raushan Raj. On



asking of the papers, the apprehended persons have neither given any satisfactory answer nor produced any valid paper/ license. The police arrested them and prepared the seizure list of the seized articles. Accordingly, the FIR.

As per the petition, the police intercepted the accused persons including this petitioner and allegation against him is of recovery of country made pistol and the mobile. As per the petition, he is in custody since 02.09.2022 (as stated in paragraph 11 of the petition) and further he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid facts including his period of custody and he do not have criminal antecedent, 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 A.C.J.M., Birpur in connection with Raghopur P.S. Case No. 341 of 2022, 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)

Neha/-

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

