

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49414 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- KANTI District- Muzaffarpur

Rahul Kumar, Son of Raju Sahni, Resident of village - Purainiya, P.S. -
Lalganj, Distt. - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kanti P.S. Case No.139 of 2023 registered for the offences
punishable under Sections 401 of the Indian Penal Code and
Sections 25(1-B) a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the FIR and is
in custody since 21.02.2023.

4. Allegation against the petitioner is to have in
possession of two country-made pistols along with four live
cartridges along with other co-accused persons.

5. It is submitted by learned counsel that alleged
firearms were not recovered from the possession of petitioner
rather it was recovered from co-accused, Sipin Yadav and



Ujjawal Kumar. It is submitted that said co-accused Sipin Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No.32238 of 2023. While concluding argument, it is submitted that the petitioner found involved in three more criminal cases, where he is on bail and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as alleged firearms not appears to be recovered from possession of this petitioner rather same appears to be recovered from physical possession of other co-accused, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, West, Muzaffarpur in connection with Kanti P.S. Case No.139 of 2023, subject to the



conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

