

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51207 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- KHANPURA District- Samastipur

RAJESH KUMAR SON OF DEV NARAYAN MAHTO RESIDENT OF
VILLAGE- HARIYA, BAD CHAKKA, PS- KHANPUR, DISTT-
SAMASTIPUR BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Khanpur P.S. Case No. 130 of 2023 for the offence punishable under Sections 147, 148, 149, 224, 341, 342, 323, 337, 307, 332, 333, 504 of the I.P.C. and 27 of the Arms Act and section 45 of the Bihar Prohibition and Excise (Amendment) Act lodged on 23.5.2023 by the informant, Bipin Kumar.

As per the prosecution story, the police went to arrest an accused, he raised alarm, the family members came to his rescue and assaulted the police and in the process were successful in rescuing the arrested person. Accordingly, the FIR.

Learned counsel for the petitioner submits that contrary to the allegation made by the police that the accused



persons opened fire, actually the police opened fire causing injury to his mother and the family members have been roped in as the accused for which he suffered by being in custody since 24.5.2023 (para-12 of the petition). Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the Chief Minister's Relief Fund, Bihar, Patna.

Learned APP opposes the prayer submitting that not only they rescued the person who was to be arrested by the police but they also assaulted them.

Considering the fact that omnibus allegation is against the accused persons, has remained in custody since, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund, Bihar, Patna.

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 Special Judge Excise-I, Samastipur, in connection with Khanpur P.S. Case No. 130 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 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 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 bail application is allowed.

(Rajiv Roy, J)

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