

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53480 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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BHUKHAN RAI @ SHASHI SHEKHAR @ SASHI SHEKHAR RAI @
SHASHI SHEKHAR RAY son of Late Shital Rai R/o- Raghunathpur Ps-
S.Kamal Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is in custody in connection with
Sahebpur Kamal (S. Kamal) P.S. Case No.319 of 2022 for the
offence under sections 120(b), 147, 148, 149 of the Indian Penal
Code and sections 25(1-b)a, 26, 35 and 27 of Arms Act lodged
on 23.11.2022 by the informant, Rajeev Kumar Singh.

As per the prosecution story, the accuseds were
ploughing the disputed land and upon objection, Bambam Yadav
resorted to firing which injured one of the lady of the informant
side. Later, the Police came and arrested Bambam Yadav and
from the house of this petitioner, host of arms/cartridges
recovered/seized. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that so far



as assault/opening is concerned, Sahebpur Kamal P.S. Case No. 321 of 2022 already stands registered against him, the present case only relates to recovery of arms for which he has already suffered by being in custody since 25.11.2022 (as stated in paragraph 6 of the petition).

Learned APP opposes the prayer for bail.

Taking into account his period of custody i.e. 25.11.2022, another case is already there relating to the opening of fire/assault, 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal (S. Kamal) P.S. Case No.319 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/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 fortnight for six months 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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