

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54142 of 2023

Arising Out of PS. Case No.-480 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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VIPIN KUMAR Son of Narayan Sah RESIDENT OF VILLAGE JHAPHAN
UDAN, P.S. - AHIYAPUR, DISTT. - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is in custody in connection with Town
P.S. Case No. 480 of 2023 for the offence under sections 414/34
of the Indian Penal Code and 25 (1-b)a/26 and 35 of the Arms
Act lodged on 14.06.2023 by the informant, Ranjan Kumar.

As per the prosecution story, during vehicle checking,
a motorcycle was intercepted and the petitioner was a pillion
rider. From the possession of Depanshu Raj, one country-made
loaded pistol and a mobile whereas from this petitioner, a
mobile were recovered/seized. The Police has narrated that they
were on way to commit crime in Vaishali. Accordingly, the FIR.

Learned counsel for the petitioner submits that he was
a pillion rider, the alleged recovery of pistol is from Depanshu



Raj, the Police has recovered a mobile which belongs to him but only on suspicion, he has been implicated, do not have criminal antecedent and he is in custody since 15.06.2023 (as stated in paragraph 9 of the petition).

Learned APP opposes the prayer for bail.

Considering the facts on record, the submissions of the learned counsel for the petitioner, is in custody since 15.06.2023, recovery is of a mobile and do not have criminal antecedent, 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, Muzaffarpur, in connection with Town P.S. Case No. 480 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 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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