

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62189 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

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RUPESH KUMAR S/o- SIKAL RAM Village- Thothra Ps- Rajepur dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Siwaipatti P.S. Case No.112 of 2023 registered for the offences
punishable under Sections 399, 402, 411, 412, 413, 414,
467,468/34 of the IPC and Section 25 (1-b)a, 26 and 35 of Arms
Act.

3. As per prosecution case, petitioner is said to
have apprehended with one loaded country made pistol
alongwith one live cartridge and motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 07.06.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. Nothing has been recovered from possession of the petitioner, he has been apprehended from his house and his signature was taken on blank paper which was used as seizure list. He further submits that seizure list has not been made as per law.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (East) Muzaffarpur in connection with Siwaipatti P.S. Case No.112 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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