

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62193 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- BARHAT District- Jamui

Rakesh Singh Son of Sudhir Singh R/V- Tihiya, P.S- Khaira, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67260 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- BARHAT District- Jamui

Babuwan Nayan Singh @ Manav Son of Parduman Singh Resident of
Village- Singarpur, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62193 of 2022)

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

For the Opposite Party/s : Ms. Anita Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 67260 of 2022)

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail where petitioner, namely, Rakesh
Singh is in custody since 23.06.2022 and petitioner, namely,



Babuwani Nayan Singh @ Manav is in custody since 12.03.2022 in connection with Barhat P.S. Case No. 23 of 2022, F.I.R. dated 01.03.2022 for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, all the accused persons were planning and preparing for the *dacoity* in the meantime police raided in the house in which six persons have been apprehended with cash and country made firearm and subsequently others names were also included in the F.I.R.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case merely on the basis of suspicion. He further submits that in fact, the petitioner, namely, Rakesh Singh was not apprehended at the spot and nothing has been recovered from his possession and his name was transpired during investigation on the basis of the confessional statement of the co-accused apprehended person. He further submits that police after investigation submitted a charge sheet against the petitioner. The petitioner is in custody since 23.06.2022.

Learned counsel for the petitioner, namely, Babuwani Nayan Singh @ Manav submits that it appears from the F.I.R. as



well as seizure list that one mobile phone, one country made loaded pistol and one live cartridge have been recovered from the possession of the petitioner. He further submits that non-compliance of Section 100 of Cr.P.C. He further submits that the co-accused who was apprehended at the spot, namely, Roshan Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Misc. No. 37330 of 2022 and another co-accused person, namely, Manjit Kumar Paswan @ Manjit Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 17.11.2022 passed in Cr. Misc. No. 41871 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner, namely, Rakesh Singh carries 4 criminal antecedents and petitioner, namely, Babuwan Nayan Singh @ Manav carries 5 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner, namely, Rakesh Singh is on bail in 2 cases out of 4 cases, and petitioner, namely, Babuwan Nayan Singh @ Manav is on bail in 4 cases out of 5 cases.



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui in connection with Barhat P.S. Case No. 23 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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