

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70923 of 2023**

Arising Out of PS. Case No.-103 Year-2022 Thana- BIHIA District- Bhojpur

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J.P. Rai @ Jai Pukar Rai, Son Of Chand Govind Rai Resident Of Village -  
Bahoranpur, P.S. - Shahpur, District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sheo Jee Mishra, Adv.  
For the Opposite Party/s : Ms. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      07-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Bihiya P.S. Case No. 103 of 2022, lodged on 23.03.2022 under  
Sections 467, 468, 471 and 34 of the Indian Penal Code and  
under section 25(1-b), 26, 35 of the Arms Act.

3. As per the prosecution case, the FIR has been  
lodged against 3 named accused persons including the present  
petitioner.

4. Learned counsel for the petitioner submits that the  
recovery of arms has been made from the possession of two  
accused persons namely Randhir Kumar Sharma and Rajnish  
Pandey. He also submits that nothing was recovered from the  
possession of the present petitioner, but the name of the present



petitioner has come in this case by virtue of the confessional statement of these two apprehended accused persons who have stated before the police that those arms belongs to the present petitioner.

5. Learned counsel for the petitioner also submits that there is one criminal antecedent of the petitioner and he was in custody in the said case during the relevant period of time and as such, counsel submits that no offence as alleged under the sections in which the FIR has been lodged has been made out against the present petitioner. He further submits that the petitioner is in custody since 17.07.2023 in the present case and in the other case he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Bhojpur at Ara in connection with Bihiya P.S. Case No. 103 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

**(Dr. Anshuman, J.)**

Divyansh/-

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