

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76499 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- RAJAPAKAR District- Vaishali

Rahul Kumar S/O Bhushan Rai @ Bhushan Singh, Village- Dayalpur, PS.
Rajapakar (Baranti O.P.), Dist. Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in a case in connection with Rajapakar (Baranti O.P.) P.S. Case No. 152 of 2023 dated 28.04.2023, registered for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, upon receiving secret information the informant along with other police personnel reached the alleged place where they saw some miscreants and two parked bikes. After seeing the police, some miscreants managed to flee meanwhile three of them were apprehended on spot, who disclosed their names as Gaurav Kumar @ Babla, Vikky Kumar @ Bholu and Shubham Kumar. It is further alleged that one loaded country made *katta*, having one live cartridge was recovered from the possession of Shubham Kumar and one knife and blue colour Honda Shine Motorcycle were recovered from the

possession of Vikky Kumar @ Bhola and accordingly seizure list was prepared.

4. Learned counsel for the petitioner has submitted that the petitioner is quite innocent and has falsely been implicated in this case due to confessional statement of the arrested accused persons. In fact, neither the petitioner has been arrested at the alleged place of occurrence nor any incriminating article has been recovered from his conscious possession. It is further submitted that the petitioner has one criminal antecedent, in which he is on bail.

5. Learned APP for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, in the event of his arrest / surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Rajapakar (Baranti O.P.) P.S. Case No. 152 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

Shahnawaz/-

U		T	
---	--	---	--