

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73043 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- BIRAUL District- Darbhanga

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BIBEK KUMAR SON OF RAKESH KUMAR @ RAKESH KUMAR RAY
@ RAKESH KUMAR ROY RESIDENT OF VILLAGE - SATHGAWA,
POLICE STATION - VIDYAPATI NAGAR, DISTRICT - SAMASTIPUR,
BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Biraul P.S. Case No. 164 of 2023 for the offence punishable under Sections 401, 411 of the Indian Penal Code and section 25(1-b)a, 26, 35 of the Arms lodged on 22.4.2023 by the informant, Manish Kumar.

3. As per the prosecution story, the police intercepted a motorcycle and upon search of the accused persons, from Raushan Thakur, one loaded country made revolver was recovered as also Rs. 50,000/- and a mobile. So far as this petitioner is concerned, allegation of recovery of 10,000/- and a mobile is there while from Amarjeet Sahani, a country made pistol, Rs. 10,000/- and two mobiles were recovered.



4. Learned counsel for the petitioner submits that the police only because he has criminal antecedent, has implicated in the case, still the recovery of country made revolver is attributed to Raushan and Amarjeet and not from him and has already suffered by being in custody since 23.4.2023 (para-22 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid fact as also the period of custody, this Court is inclined to extend him the privilege of bail with strict conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 164 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 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 next one year 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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