

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73413 of 2022

Arising Out of PS. Case No.-421 Year-2022 Thana- MADHAURAH District- Saran

Rahul Kumar Son of Lal Babu Ram Resident of Village - Tejpurva Tola,
Chainpur, P.S.- Marhowrah, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
29.06.2022 in connection with Marhowrah P.S. Case No. 421 of
2022, F.I.R. dated 28.06.2022 for the offences punishable under
Sections 467, 468, 471, 420 and 414 of the Indian Penal Code
and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, three accused persons
including the petitioner, were arrested when they were fleeing
away. A loaded country-made pistol was recovered from the
possession of co-accused Anupam Shukla and one motorcycle



was also recovered from his possession. From the possession of the petitioner, a motorcycle was recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one hero splendor plus motorcycle was recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. and in fact, it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Anupam Shukla has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.02.2023 passed in Cr. Misc. No. 56647 of 2022 and another co-accused, namely, Suraj Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 1469 of 2023. The petitioner is in custody since 29.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 421 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. 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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