

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80798 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- SAUR BAZAR District- Saharsa

Rupesh Kumar Son of Niranjan Kumar Nirala R/O Village- Baijnathpur Ward
No. 04, P.S.- Sour Bazar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sour Bazar P.S. case No. 291 of 2023 instituted for the offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that during the course of vehicle checking, two persons, including this petitioner, boarded on motorcycle were apprehended on the spot. On search, one country-made pistol and one live cartridge was recovered from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.05.2023 and has two criminal antecedents. The petitioner has falsely been implicated in the present case. He further submitted that no specific overt act is alleged against the petitioner and has no concern with the alleged recovery of arms. Moreover, the recovered motorcycle belongs to co-accused Rahul Kumar. Learned counsel further



submitted that on similar footing, the co-accused namely, Rahul Kumar has been granted bail by the lower Court.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sour Bazar P.S. case No. 291 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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