

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14297 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- PAHARPUR District- East Champaran

Dilip Kumar S/o- Late Paras Ram Village- Kabirpur Ps- Mohammadpur Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-04-2024

Heard the parties.

2. The petitioner is an accused in connection with Paharpur P.S. Case No. 487 of 2023 for the offence under sections 399, 401, 379, 413, 414, 120(B), 34 of the I.P.C. and Section (1-b)a/26/35 of the Arms Act lodged on 30.11.2023 by the informant, S.I., Ambesh Kumar.

3. As per the prosecution story, the police intercepted an Eco Van and apprehended the accused persons and after search, allegation against this petitioner is of recovery of country made pistol. The recovery/seizure is attributed to the accused persons. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that in the van, the police apprehended everyone and assigned role to each and every occupant of the van, he being one of them. The



last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts, as submitted by learned counsel for the petitioner, he is custody since 01.12.2023 (paragraph 4 of the petition), do not have criminal antecedent, this Court is inclined to extend the privilege of bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 487 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show their 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 their bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight or next six months to mark 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 their bail bonds.

(Rajiv Roy, J)

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