

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25274 of 2024

Arising Out of PS. Case No.-268 Year-2018 Thana- MADHAURAH District- Saran

Rajesh Singh @ Rajesh Kumar Singh SON OF Shatrudhan Singh Village-
Rampur Khorram, P.S.- Madhaura, (Gaura O.P.), District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhaura P.S. Case No. 268 of 2018 dated 10.06.2018
registered for the offences punishable under Sections 399 and
402 of the Indian Penal Code read with Sections 25(1-b)a, 26
and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of twenty cases and is in custody since
28.01.2023 and the informant alleges that four accused were
apprehended and from their possession loaded pistol, cartridges
etc. were recovered and they disclosed the name of the
petitioner who fled on seeing the police force.

4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot, as such, nothing
was recovered from his conscious possession and he came to be



implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that since petitioner has antecedent, as such, the police implicates him mechanically, at times based on secret information or on basis of confessional statement.

5. On query of the Court as to whether charges have been framed against the petitioner or not, the learned counsel for the petitioner submits that he does not have any instruction on the said issue.

6. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhaura P.S. Case No. 268 of 2018.

8. One of the bailors of the petitioner shall be his father, Shatrudhan Singh.

9. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall



verify that as to whether charges against the petitioner have been framed or not and in the event if charges have not been framed against the petitioner, in that event, the present regular bail order shall not be given effect to.

10. However, it is further made clear that in the event if the bail bonds of the petitioner is not accepted on the ground that charges against the petitioner, till date, have not been framed, in that event the petitioner would be at liberty to renew his prayer for bail before this Court after framing of charge.

11. It is also made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event the learned Trial Court shall also be at liberty to cancel the bail bonds of the petitioner forthwith and to take all coercive steps to ensure that petitioner is behind bars.

12. Accordingly, the instant regular bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

