

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39490 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

Rajan Kumar @ Raju Son of Bhagirath Thakur Resident of village - Rajadih,
Police Station - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Tariyani P.S. Case No.
07 of 2024, instituted for the offences punishable under Sections
324, 307, 120-B of the Indian Penal Code, Sections 25(1-AA),
25(1-B)(a), 26, 35 and 27 of the Arms Act.

3. The prosecution case, in short, is that, one country-
made pistol and one live cartridge has been recovered from the
house of co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Name of the



petitioner has transpired on the basis of confessional statement of co-accused Ritik Raushan Kumar which has no evidentiary value and except confessional statement of co-accused there is no cogent evidence against the petitioner. The petitioner is in custody since 09.01.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 35818 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tariyani P.S. Case No. 07 of 2024, 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)

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