

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44440 of 2024

Arising Out of PS. Case No.-130 Year-2019 Thana- PALASI District- Araria

Vijay Rathor S/O Late Mahanand Rathor @ Gaffu R/O Village- Bidi Bhojpur,
P.S- Tarabari, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

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

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

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Palasi
P.S. Case No. 130 of 2019 instituted for the offence under
Sections 25(1-B)a & 26 of the Arms Act.

3. Prosecution case in a nutshell as emerges from the
FIR is that during course of routine checking, police intercepted
one 'Amit Kumar Gupta' and, on interrogation, he was not able
to produce documents of the motorcycle and, on search two
cartridges & mobile phones were recovered.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 16-01-2023. Petitioner
bears nineteen criminal antecedents, out of which only one case



is registered under the Arms Act, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the possession of the petitioner. Name of the petitioner has surfaced in this case only on the basis of confessional statement of co-accused, namely, Amit Kumar Gupta and the same has no evidentiary value in the eyes of law and Amit Kumar Gupta has been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 19-11-2019 passed in Cr. Misc. No. 67733 of 2019. Learned counsel submits that charge has been framed in this case. There is no compliance of Section 100 of the Cr.P.C. Other co-accused has also been granted bail *vide* order dated 04-11-2019, passed in Cr. Misc. No. 49539 of 2019.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge being framed, this Court is inclined to grant bail to the petitioner.

8. 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 Palasi P.S. Case No. 130 of 2019, 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.
- (III) 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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