

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47718 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- PARSA District- Saran

Rahul Kumar Son of Shankar Baitha Resident of Vill- Pokharpur
Parsurampur, P.S.- Parsa, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the State : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Uday Kumar, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parsa P.S. Case No. 142 of 2024, F.I.R. dated 29.04.2024 for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)a and 26 of the Arms Act.

3. According to prosecution case, on a raid one loaded country made katta having one live cartridge, one cartridge kept in the pocket of the pant and one mobile was recovered by the police officials.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case on the basis of the disclosure made by the co-accused person, namely, Dhiraj Kumar. He further submits that although the recovery has been made from the possession of the Dhiraj Kumar but the petitioner has no concern at all with the present occurrence or the co-accused person, namely, Dhiraj Kumar. He further submits that except the confessional statement of the co-accused person no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Chapra, Saran in connection with Parsa P.S. Case No. 142 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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