

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56564 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- Maghopur District- Gopalganj

BIRJU KUMAR S/O LATE JAY MANGAL PRASAD R/O Village-
Vishunpura, Police Station- Jamo Bazar and District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard Mr. Rahul Kumar Dubey, learned counsel for
the petitioner and Mr. Shantanu Kumar learned APP for the
State.

2. The petitioner is in judicial custody in connection
with Madhopur P.S. Case No. 15 of 2024 for the offence
punishable under Section 414 of the Indian Penal Code and
under Sections 25(1-b)26(1) of the Arms Act lodged on
01.04.2024 by the informant, Suvansh Kumar.

3. As per the prosecution story, the informant alleged
that during patrolling and upon secret information, when the
vehicles were checked, one person tried to escape. He was
apprehended and from his possession a country made pistol/live
cartridges were recovered. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that
without compliance of the Section 100 of the Cr.P.C. and/or



only to implicate, he was arrested at the behest of the local *chowkidaar* this was thrust upon him. He is a student of 21 years of age, having no criminal antecedent and in custody since 01.04.2024 (para 11 of the petition).

5. Learned APP opposes the prayer for bail and submits that during the patrolling the vehicle was intercepted and he was arrested with country made pistol/live cartridges.

6. Considering the aforesaid facts/F.I.R. has been lodged, he will be facing trial, chargesheet is already submitted, he is a young boy of 21 years and has remained in custody since 01.04.2024, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Gopalganj in connection with Madhopur P.S. Case No. 15 of 2024 subject to the following conditions:-

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



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

(Rajiv Roy, J)

Ankit Kumar/-

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