

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58705 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Bulet Singh @ Rajkumar Singh @ Shiv Kumar Singh, S/o- Late Shankar Singh, resident of Village- Fultakiya, PS- Kesariya, District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2024 Heard Mr. Sunil Kumar, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Pipra Kothi P.S. Case No. 63 of 2023 registered for the offences punishable under Sections 399, 402, 120(B) of the Indian Penal Code and Sections 25(1-D), 25[1(1-A)], 2591-AA) and 26/35 of the Arms Act.

3. The police on a tip off assemblage of miscreants conducted raid and apprehended co-accused Kunal Singh, from whose possession one country made pistol and 10 live cartridges were recovered. The apprehended accused person disclosed the name of his associates, including the petitioner.

4. Learned Advocate for the petitioner contended that



the narrations made in the F.I.R. clearly suggests that the petitioner was neither apprehended at the place of occurrence nor any incriminating material has been recovered from his whereabouts, however, only on account of the disclosure made by the co-accused person, the name of the petitioner has been implicated in this case. The reason behind the false implication of the petitioner is his past criminal antecedent, which is mentioned in para.3 of the petition. It is next contended that the petitioner has been remanded in this case from Chakia P.S. Case No. 301 of 2013 on 05.10.2023 and since then he is languishing in jail. Moreover, the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner speaks loud about his complicity in such kind of cases.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has come on the disclosure made by the apprehended person and there is no material against him, moreover the petitioner has been incarcerated for over a long period and now the investigation of the crime is complete, let



the petitioner, named above, 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 63 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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