

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57674 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Rahul Singh @ Rahul Kumar @ Rahul Mukhiya @ Abhishek Kumar @
Mukhiya S/o Bachcha Prasad Thakur R/o vill - Khajuriya, P.S. - Govindganj,
Distt. - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate

For the Opposite Party : Mr. Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Motihari Town P.S. Case No. 141/2024 dated 28.02.2024 registered for the offence punishable u/s 399 and 402 of the Indian Penal Code and Sections 25 (1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons were assembled near Munshi Singh College, Motihari and were preparing to commit crime. On seeing the police, they started fleeing away. Further, two miscreants were apprehended who disclosed their names as Himanshu Singh and



Abhinav Kumar and also disclosed the name of the miscreants who fled away as Priyanshu Singh, Rahul Singh @ Rahul Mukhiya S/o Bachcha Singh and a man of Rahul Singh. On search, one loaded country made pistol was recovered from the possession of the co-accused Himanshu and one live cartridge was unloaded from it. Further, one live cartridge was recovered from the possession of the co-accused Abhinav Kumar. On further interrogation they told that Rahul Singh @ Rahul Mukhiya had come to the spot with weapons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner is accused in 12 other criminal cases and he is on bail in 9 other cases whereas he is acquitted in one case as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 141/2024, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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