

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60344 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- PASRAHA District- Khagaria

Raja Kumar Son of Shambhu Malakar Village- Ramchandra Pur, P.S.-
Maheshkhunt, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 112 of 2024 arising out of Pasraha P.S. Case No. 189 of
2023 dated 13.07.2023, G.R. No. 2298 of 2023, lodged under
Sections 399, 402, 307, 353 and 34 of the I.P.C. read with
Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons including the
present petitioner. Out of three accused persons, two were
apprehended from the place of occurrence and *desi* pistol has
been recovered from their possession. They have fired on the
police party by which, one police has also been injured.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. He further submits that the petitioner is in custody since 14.07.2023 having clean antecedent. He further submits that upon chase, police has caught two accused persons and from their possession, pistol, live cartridges and mobile phone have been recovered. He further submits that the petitioner has not been apprehended by the police but subsequently and being the law abiding citizen, followed the process of law.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vth, Khagaria in connection with S.T. No. 112 of 2024 arising out of Pasraha P.S. Case No. 189 of 2023, G.R. No. 2298 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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