

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64242 of 2024

Arising Out of PS. Case No.-240 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Shashi Ranjan Kumar aged about 22 years, Male, S/O Mahesh Prasad, R/O
Village-Mustafapur, P.S. -Ahiyapur, District-Muzzaffarpur.. ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Virendra Kumar, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Siwaipatti P.S. Case No. 240 of 2022 ,FIR dated 12.12.2022 registered for the offences punishable under Sections 398, 401, 411/34 of I.P.C and 25(1-b)a, 26, 35 of the Arms Act.

3. According to prosecution case, it is alleged that on seeing the police party, the person one miscreant escaped, however, two miscreants were apprehended, who disclosed their names as co-accused, namely, Amresh Kumar and Rajesh Kumar and on being searched, one country made fire arm loaded with a live cartridge and also mobile phones have been recovered from the possession of the co-accused, namely, Amresh Kumar.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the



basis of disclosure made by co-accused persons, namely, Amresh Kumar and Rajesh Kumar. Further submits that they have stated that the petitioner has escaped from the place of occurrence and from a bare perusal of the FIR it appears that arms have been recovered from possession of co-accused persons and petitioner has been made accused in the present case on the basis of disclosure made by the aforesaid co-accused persons and no case is made out against the petitioner under the Arms Act because nothing has been recovered from possession of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts and nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, in the event of his 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 learned S.D.J.M, East Muzaffarpur in connection with Siwaipatti P.S. Case No. 240 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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)

Nitesh/-Harshita

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