

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62909 of 2023

Arising Out of PS. Case No.-451 Year-2023 Thana- MASAUDHI District- Patna

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Rounak Kumar @ Rounak Singh Son Of Late Shishupal Singh Resident Of
Village - Lakhana, P.S. - Gaurichak, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the State : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Deovind Kumar Singh, learned counsel

for the petitioner and Mr. Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Masaurhi P.S. Case No. 451 of 2023, F.I.R. dated 04.07.2023 for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. This case relates to recovery of one country made pistol, two live cartridges, one laptop, mobiles as well as cash of Rs.40,000/-.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner



is not named in the FIR and the name of the petitioner has transpired during the investigation on the basis of the confessional statement of the co-accused, namely, Sudhanshu Kumar. He further submits that it appears from the FIR and seizure list that all incriminating articles have been recovered from the house of the co-accused, namely, Sudhanshu Kumar and petitioner has no concern at all with alleged recovery or the co-accused person.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, let the petitioner, above named, in the event of 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 the learned A.C.J.M., Masaurhi in connection with Masaurhi P.S. Case No.451 of 2023, 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 absence on two consecutive dates without sufficient reason, his 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 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)

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