

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70221 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- RAJAPAKAR District- Vaishali

Jeewachh Kumar @ Jeevachh kumar @ Jivach Kumar @ Jeevachcha kumar
Son of Ram Naresh Mahto Village- Nandani PS- Mohiuddin Nagar Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Rajapakar P.S. Case No. 256 of 2024,
registered for the offence punishable under Sections 310(4),
310(5), 317(5) of the Bharatiya Nyaya Sanhita and Sections
25(1-B)(a), 26 and 35 of the Arms Act.

3. The police on a tip off assemblage of miscreants,
raided a mango orchard and apprehended four persons,
including the petitioner. From the possession of the petitioner
one knife has been recovered. Certain other incriminating
materials have been recovered from the possession of other co-
accused persons.



4. There is complete denial of recovery from the possession of the petitioner. Learned Advocate for the petitioner contended that in fact nothing has been recovered from the possession of the petitioner. However, only on account of his past criminal antecedent in relation to excise matter, when the police conducted raid, he was found present there and thus, his name has been implicated in this case. It is next contended that, be that as it may, the petitioner is in custody since 20.07.2024. Now the investigation of the crime is complete and the 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 crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the period of custody, coupled with the fact that the charge-sheet has been submitted, 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 Judicial Magistrate 1st Class-cum-Additional Munsif – 7th, Vaishali at Hajipur in connection with



Rajapakar P.S. Case No. 256 of 2024, 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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