

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71741 of 2024**

Arising Out of PS. Case No.-1322 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Rakesh Thakur Son of Kulanand Thakur Resident of Harda Bazaar PS- K. Hat  
Maranga, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate  
For the Opposite Party/s : Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      27-09-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in K. Hat (Maranga) P.S.  
Case No. 1322 of 2023, instituted for the offences punishable  
under Sections 401, 379, 411, 413, 414 of the Indian Penal Code  
and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is  
recovery of one country made pistol, one live cartridge and a  
motorcycle from the possession of co-accused Vikram Kumar.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the arms and other articles were recovered from the possession of co-accused Vikram Kumar. The petitioner is in custody since 02.12.2023 and has got eleven criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 32796 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with K. Hat (Maranga) P.S. Case No. 1322 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

