

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74281 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- BARIYARPUR District- Munger

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Raushan Kumar Son of Sakaldeep Mandal @ Shekho Mandal Resident of
village - Pariya, P.S.- Bariyarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. No. 163 of 2024 arising out of Bariyarpur P.S. Case No. 163 of 2023 for the offences punishable under Sections 25(1-B)a, 26(i)(ii)/35 of the Arms Act, lodged on 16.09.2023 by the informant, Amrendra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the police went along NH 333 and found three boys trying to escape. While one managed to escape, Raushan Kumar (petitioner herein) and Gulshan Kumar were apprehended and there is recovery/seizure of one country made pistol/cartridge from this petitioner while one live cartridge and a mobile from the accused Gulshan Kumar. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that only due to criminal antecedents, he has been implicated, has already suffered by being in custody since 17.09.2023 (paragraph no.9 of the petition). The further submission is that the charges have already been framed on 02.09.2024.

5. Learned APP for the State opposes the prayer submitting that he has eight criminal antecedents and there is recovery of country made pistol/cartridge from him.

6. Though there is recovery, charges have already been framed, he is in custody since 17.09.2023, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV, Munger, in connection with S.T. No. 163 of 2024 arising out of Bariyarpur P.S. Case No. 163 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

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

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 bail bonds.

(Rajiv Roy, J)

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