

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76915 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

1. Rakesh Singh S/O Biresh Singh R/O Village- Hamidpur, P.S- Baikunthpur, Distt.- Gopalganj.
2. Manjeet Kumar S/O Raj Narain Singh R/O Village- Karasghat, P.S- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate
For the State : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Baikunthpur P.S. Case No. 273 of 2024 for the offences punishable under Sections 371(5) and 3(5) of the Bharatiya Nyaya Sanhita and sections 25(1-B)(a), 26 and 35 of the Arms Act, lodged on 18.08.2024 by the informant, Suraj Kumar Sharma.

3. As per the prosecution story, the informant alleged that the police to continue raid/recovery of the illegal liquor as also arrest of the warrante who was moving when a motorcycle was intercepted and there is recovery/seizure of loaded country made pistol and live cartridges from this petitioner while from



Manjeet Kumar, a mobile has been recovered/seized.
Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that they do not have criminal antecedent, there was a tiff with the police and this led to their implication, both of them are students preparing for competitive examinations but are in custody since 18.08.2024 (paragraph no. 11 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that the two petitioners are young, preparing for the competitive examinations, having no criminal antecedent, will be diligently appearing in trial, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners 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 Judicial Magistrate, 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 273 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official



document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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 petitioners 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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