

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81107 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Upendra Kumar S/O Ram Sevak Rai R/O Village/Mohalla- Kanuniya
Katgenwa, P.S- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kundwa Chainpur P.S. Case No. 110 of 2024 for the offence punishable under Sections 317(5), 3(5) of Bharatiya Nyaya Sanhita, 2023 and section 2591-B)a, 26 and 35 of the Arms Act lodged on 24.07.2024 by the informant, Arun Kumar.

3. As per the prosecution story, the informant alleged that the Police during night patrolling, intercepted a motorcycle. This petitioner and one Jai Prakash Kumar were riding it. Upon search, there is recovery/seizure of country made revolver and cartridges from Jai Prakash Kumar while nothing from this petitioner. However, since he was alongwith Jai Prakash Kumar



arrested.

4. Learned counsel for the petitioner submits that only because of his presence with Jai Prakash Kumar, implicated. Nothing has been recovered from his conscious possession, has no criminal antecedent and is in custody since 24.07.2024 (para-12 of the petition).

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that no recovery has been shown against this petitioner, he has no criminal antecedent, is in custody since 24.07.2024, this Court is inclined to extend him the privilege of bail with conditions.

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 Judicial Magistrate-1st Class, Dhaka, East Champaran, in connection with Kundwa Chainpur P.S. Case No. 110 of 2024 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 and 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 six months to mark his attendance;

(iv) the petitioner shall in no 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 his bail bonds.

(Rajiv Roy, J)

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