

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80401 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- BHANGWANPUR HAT District- Siwan

Akhilesh Kumar @ Bhim Son of Sri Mali Prasad Resident of Village -
Magahi, P.S. - Lakdi Naviganj, District- - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-11-2024 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and Mr. Tapeshwar Sharma, APP.

2. The petitioner is in judicial custody in connection with Bhagwanpur Hat P.S. Case No. 348 of 2024 for the offences punishable under Sections 310(4), 310 (5) and 317(2) of the BNS and Section 25(1-b) a, 26, 35 of the Arms Act, lodged on 24.08.2024 by the informant, Rama Shankar Shah.

3. As per the prosecution story, the informant alleged that upon secret information about assembly of accused in a mango orchard, it was raided and allegation about recovery of fire arms/cartridges is/as follows:-

(i) Vivek Kumar @ Baba, one loaded pistol with cartridges;

(ii) Rahul Kumar, two live cartridges with knife;

(iii) Akhilesh Kumar @ Bhim (petitioner), two live



cartridges with mobile and;

(iv) Kunal Kumar, two live cartridges with mobile.

Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of his criminal antecedent, he has been implicated, is in custody since 25.08.2024 (para-11 of the petition). Further, live cartridges has been alleged to have been recovered from his possession for which he has already suffered and will be diligently appearing in the trial.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions put forward by the parties as also the fact that FIR lodged, he shall be facing the trial, is in custody since 25.08.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Chief Judicial Magistrate, Siwan in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month for next one year 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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