

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80797 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- MANIYARI District- Muzaffarpur

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Anshu Kumar @ Chhotu @ Anushu Kumar S/O Garib Nath Singh @
Garibnath Singh R/O Village- Purushottampur, P.S- Maniyari, Distt.-
Muzaffarpur, Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard Mr. Niraj Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh.

2. The petitioner is in judicial custody in connection with Maniyari P.S. Case No. 129 of 2024 for the offences punishable under sections 399/401/414 of the IPC and sections (1-B)(a)/26/35 of the Arms Act, lodged on 12.06.2024 by the informant, Priti Kumari.

3. As per the prosecution story, the informant alleged that when on patrolling it got information that two persons along with Ashish Kumar went to the informant's shop to make purchase but on the point of pistol did not pay the amount. The police went and got the information that they are sitting in a mango orchard. It was raided and there is recovery/seizure of six live cartridges from the pocket of Raushan Kumar, five from Ashish Kumar and three from this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only Ashish Kumar had some tiff with the storekeeper for which



a case has been foisted upon them by the police. Further, only because they have criminal antecedent, he is in custody since 13.06.2024 (para-12 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs. 3000/- (Three thousand) to the Chief Minister's Relief Fund, Bihar, Patna as also Rs. 2000/- (Two Thousand) to the informant.

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

6. Considering the submissions put forward by the parties as also the fact that FIR is there, he shall be facing the trial, has remained in custody since 13.06.2024, as undertaken, he shall be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 3000/- (Three thousand) to the Chief Minister's Relief Fund, Bihar, Patna as also Rs. 2000/- (Two Thousand) to the informant. A receipt thereof has to be submitted before the trial court, Muzaffarpur at the time of execution of bail bond.

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 Ms. Pooja Arya, learned Judicial Magistrate, 1st Class, Muzaffarpur/the



court concerned 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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