

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82887 of 2024

Arising Out of PS. Case No.-259 Year-2024 Thana- KESARIA District- East Champaran

Jitan Kumar Son of Akalu Sahani Village- Lohargawa, ward no 4, kesariya
,District- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2024 Heard Mr. Pravin Kumar, learned counsel for the
petitioner and Mr. Md. Aslam Ansari, learned APP.

2. The petitioner is in judicial custody in connection with Kesariya P.S. Case No. 259 of 2024 for the offences punishable under Sections 310(4), 310(5) of the BNS, 25(1-b)a, 26 and 35 of the Arms Act, lodged on 13.08.2024 by the informant, Uday Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the police reached the place, the accused tried to escape, apprehended and upon search the allegation is that :-

*(i) from Jitendra Kumar, TVS
motorcycle, pistol with live cartridge and
mobile,*

*(ii) from Raja Babu @ Shivam Kumar,
live cartridge and steel knife along with a
mobile,*

(iii) from Shubham Raj, white colour



motorcycle and cartridges,
(iv) from Jitan Kumar (petitioner),
steel knife, this led the FIR/arrest.

4. Learned counsel for the petitioner submits that no arm has been recovered from his possession and the knife was in the pocket which is used for cutting the fruits and the dimension does not match with the specification made under the law. He is a student having no criminal antecedent, has remained in custody since 14.08.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that he along with other accused persons were present when the arrest took place.

6. Considering the submissions put forward by the parties as also the fact that recovery/seizure of country made revolver/live cartridges are not from the possession of the petitioner, he is in custody since 14.04.2024, a knife has been recovered from his pocket, has got no criminal antecedent, 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 Ms. Nandani Suman, learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with aforesaid P.S. Case subject



to the following conditions:

(i) one of the bailors 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 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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