

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83573 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Anil Kumar Ramashish Rai VILLAGE DEOGHARA POLICE STATION
SAHEBGANJ, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL PATNA HIGH COURT

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Ms.Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 270 of 2023 registered for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, one country made loaded pistol was recovered from the possession of petitioner and after unloading the said pistol, one live cartridge was found. It is further alleged that one live cartridge was also recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is in custody since 23.06.2023 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Akhilesh Kumar has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 81599 of 2023 and the case of present petitioner stands more or less on similar footing. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court No. 4 of Judicial Magistrate, Ist Class (West) Muzaffarpur in connection with Sahebganj P.S. Case No. 270 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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