

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85838 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- SHAMBHUGANJ District- Banka

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Rounak Kumar Bhagat SON OF BIRENDRA KUMAR BHAGAT
VILLAGE- HARIYARI, P.S.- PORAIYA HAT, DIST. GODDA,
JHARKHAND, AT PRESENT GANGTA, BISEIDE D.C. KOTH, P.S.-
TOWN DIST.- GODDA, JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Shambhuganj P.S. Case No. 261 of 2023 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the informant and other reached to the house of co-accused Phulendra Singh to the verify the suspicious activities regarding making the plan to commit an offence. On inquiry, one of the miscreants disclosed his name as Abhishek Kumar Singh and from his possession one country made pistol and six live cartridges were also recovered



after unloading the said pistol. One country made pistol was also found on the bed and after unloading the same, magazine of the said pistol was found empty as well as one loaded magazine was also found on the the bed from which six live cartridges were recovered. It is further alleged that on interrogation, petitioner and othersco-accused persons disclosed their names. It is further alleged that one mobile of Redmi company was recovered from the possession of the petitioner and various mobiles of different companies were also recovered from the possession of co-accused persons.

4. Learned counsel for the petitioner submits that petitioner alongwith his friends went to see Mandar Hill and during the course of visiting, the petitioner stayed at the place from where he was apprehended and only one mobile of Redmi company was recovered from his possession. Basically, no incriminating article has been recovered from the possession of petitioner. Co-accused Raushan Kumar @ Roushan Kumar @ Bittu has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 85572 of 2023 and the case of the present petitioner is identically same and on the principle of parity, he also deserves bail. Petitioner is in custody since 23.09.2023 and bears no criminal antecedent. Charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, co-accused has already been granted bail, keeping in view clean antecedent of petitioner, 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 Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 261 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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