

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49800 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- KESARIA District- East Champaran

Golu Kumar Son of Mahesh Bhagat @ Mahesh Kumar Bhagat R/O Vill.-
Himmat Patti, P.S.- Sahebganj, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Kesariya P.S. Case No. 77 of 2024 for the offence punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and 25(1-b)a, 26 of the Arms Act lodged on 13.03.2024 by the informant, Uday Kumar.

3. As per the prosecution story, the informant alleged that on secret information that at Rajpur Kothi Chowk, some accused persons were planning to commit crime, he along with some police personnel reached there and apprehended the accused persons which included this petitioner. From Vikash Kumar, one loaded country made pistol besides the motorcycles recovered/seized and as he failed to produce any document relating to pistol/motorcycles, apprehended. There are allegation against other accused persons also inasmuch as from Golu



Kumar, two live cartridges and Splender motorcycle with damaged number plate which was found to be stolen one were seized, from Suman Kumar, one live cartridge and from Kundan Kumar, a mobile phone besides a Glamour motorcycle as also from Bhola Kumar another motorcycle recovered/seized. As they failed to produce any document, this led to the FIR.

4. Learned counsel for the petitioner submits that only on suspicion as also because of the criminal antecedent, the Police has implicated him. He has already suffered by being in custody since 14.03.2024 (paragraph-13 of the petition) and the last submission is that the co-accused namely, Vikash Kumar has been extended relief in Cr. Misc. No. 45456 of 2024.

5. Learned APP opposes the prayer for bail submitting that two live cartridges and a stolen motorcycle have been recovered from.

6. Having gone through the facts of the case as also the petitioner is in custody since 14.03.2024, is only of twenty one years of age, FIR lodged, will be facing the trial and a similar situated co-accused has been granted relief, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties



of like amount each to the satisfaction of learned J.M. 1st Class,
East Champaran, Motihari, in connection with Kesariya P.S. Case
No. 77 of 2024 subject to the following conditions:

(i) one of the bailor should be the family
member/relative of the petitioner who shall provide official
document to show his/her 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 fortnight for 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)

Adnan/-

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