

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.73686 of 2024

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

Raushan Kumar S/O Kundan Kumar R/O Village- Purushottampur, P.S-
Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-02-2025

Heard the parties.

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 and 414 of the Indian Penal Code and 25(1-B)a, 26 and 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 duty 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 (petitioner herein), five from Ashish Kumar and three from Anshu Kumar. 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 he



has criminal antecedent, he is in custody since 13.06.2024. The further 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. The last submission is that co-accused Anshu Kumar @ Chhotu has been granted relief in Cr. Misc. No. 80797 of 2024.

5. Learned APP for the State opposes the prayer submitting that like Anshu Kumar, he do have criminal antecedents.

6. Considering the submissions put forward by the parties as also the F.I.R. and his judicial custody period, one Anshu Kumar has been extended relief as stated above, this Court is inclined to extend him the privilege of bail subject to payment of Rs.3000/- (Three Thousand) to the Chief Minister's Relief Fund, Bihar, Patna as also Rs.2000/- (Two Thousand) to the informant and the receipt thereof has to be submitted before the Trial Court at the time of execution of bail bond.

7. Let the petitioner be released on provisional bail for three months on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class (West Muzaffarpur) in connection with Maniyari P.S. Case



No. 129 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 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 bail bonds.

(Rajiv Roy, J)

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