

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79118 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- BHAGWANPUR HAT District- Siwan

Vivek Kumar @ Baba S/O Late Manoj Dubey Resident of Village- Bais
Kattha, Police Station - Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79144 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- BHAGWANPUR HAT District- Siwan

Rahul Kumar S/o- Shivnath Ram @ Naga Resident of Village - Sohilpatti,
P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79118 of 2024)

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 79144 of 2024)

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 14-02-2025 Heard the parties.

2. The petitioners are in judicial custody in connection
with Bhagwanpur Hat P.S. Case No. 348 of 2024 for the
offences punishable under Sections 310(4), 310 (5) and 317(2)
of the BNS and Section 25(1-b) a, 26, 35 of the Arms Act,
lodged on 24.08.2024 by the informant, Rama Shankar Shah.



3. As per the prosecution story, the informant alleged that upon secret information about assembly of accused in a mango orchard, it was raided and allegation about recovery of fire arms/cartridges is/as follows:-

(i) Vivek Kumar @ Baba (petitioner no. 1 in Cr. Misc. No. 79118 of 2024), one loaded pistol with cartridges;

(ii) Rahul Kumar (petitioner no. 2 in Cr. Misc. No. 79118 of 2024), two live cartridges with knife;

(iii) Akhilesh Kumar @ Bhim (petitioner in Cr. Misc. No. 80401 of 2024), two live cartridges with mobile and;

(iv) Kunal Kumar, two live cartridges with mobile.

Accordingly, the FIR/arrest.

4. Learned counsel for the petitioners submit that only because of their criminal antecedent, they have been implicated, are in custody since 25.08.2024 (para-11 of the petition). Further, live cartridges have been alleged to have been recovered from their possession for which they have already suffered and will be diligently appearing in the trial. The last submission is that co-accused Akhilesh Kumar has been granted relief in Cr. Misc. No. 80401 of 2024.

5. Let the same be kept on record.

6. Learned APP opposes the prayer for bail.



7. Taking into account the aforesaid submissions put forward by the parties as also he is in custody since 25.08.2024, similar situate one of the person has been granted bail, as stated above, in that background, this Court is inclined to grant them the privilege of bail with conditions.

8. Let the petitioners, 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 learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur Hat P.S. Case No. 348 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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