

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85660 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- KALYANPUR District- East Champaran

Rahul Kumar Son of Rajkumar Sahani Resident of Village - Pundar, P.S. -
Madhuban, District - East Champaran

Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-02-2025

Heard Mr. Sangeet Deokuliar, learned counsel

for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No. 216 of 2024 for the offences punishable under Sections 303(2), 317(5), 338, 336(3), 340(2) and 3(5) of the Bharatiya Nyaya Sanhita and section 25(1-B)a, 26 and 35 of the Arms Act, lodged on 13.07.2024 by the informant, Jitendra Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and upon information reached the Ram Janki Mutt and apprehended four accused persons. Upon search,

(i) Shivam Kumar (petitioner herein), country made pistol besides mobile, motorcycle and a master key,

(ii) Raja Kumar, country made pistol, phone, motorcycle,



(iii) Rahul Kumar, live cartridge, master key, mobile,
(iv) Sachin Kumar, smart phone, master key,
motorcycle. As they failed to provide any document regarding
the fire arms, taken into custody/FIR.

4. Learned counsel for the petitioner submits that he
has no role to play in the matter, the police made a false
implication putting arms theory, because he has criminal
antecedent and is in custody since 14.07.2024 (paragraph no.4
of the petition). The last submission is that one of the co-
accused Shivam Kumar has been granted bail in Cr. Misc. No.
78094 of 2024.

5. Learned APP for the State opposes the prayer
submitting that the police apprehended and recovered the arms
from the accused persons including the petitioner.

6. Considering the aforesaid submissions put forward
by the parties as also the fact that the petitioner is a young
person, has remained in custody since 14.07.2024, this Court is
inclined to extend him the privilege of bail.

7. Let the petitioner 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, Motihari, East Champaran in connection with



Kalyanpur P.S. Case No. 216 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 six months 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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