

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87851 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- KOILWAR District- Bhojpur

Saroj Rai S/O Police Rai R/O Village - Chakiya, P.S -Doriganj, District-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025

Heard the parties.

2. The petitioner is in judicial custody in connection with Koilwar P.S. Case No. 236 of 2024 for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act, lodged on 19.05.2024 by the informant, Narottam Chandra.

3. As per the prosecution story, the informant alleged that for this petitioner in connection with Koilwar P.S. Case No.210 of 2024 made a confessional statement that to establish supremacy amongst sand mafias, firing/cross firing took place at Gadhaiya Balu Ghat, in this firing/cross firing Vikash Mahto succumbed to the injuries while Sudarshan Rai got bullet injury, there is pellet injuries on other persons also. Subsequently, on his confession the country made pistol was recovered from a pond and the F.I.R.



4. Learned counsel for the petitioner submits that police after his arrest in connection with Koilwar P.S. Case No.210 of 2024 has forced him to make confessional statement, the fact remains that the country made pistol recovered has not been found to be in functional condition. He is in custody since 20.05.2024 only because of criminal antecedent and further the submission is that without accepting the allegation and/or the outcome of the present petition wants to contribute Rs.10,000/- to green the Koilwar Police Station by planting saplings/putting flower pots in and around the said Police Station as also one hundred meters on the both sides of the road near the said Police Station.

5. Learned APP for the State opposes the prayer submitting that not only he has criminal antecedent, he has also confessed to the number of crimes.

6. Considering the submissions put forward by the parties as also the statement made that the fire arm which was recovered found to be non-functional, is in custody since 20.05.2024, F.I.R. is there, he shall be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner for greening the area in and around of Koilwar Police



Station as stated above and the payment receipt has to be submitted duly counter signed by the Station Head Officer of the Koilwar Police Station to the concerned Trial Court within a period of two weeks from the date of his release.

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, Bhojpur at Ara/Concerned Court in connection with Koilwar P.S. Case No. 236 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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