

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89674 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- BATHNAHA District- Sitamarhi

Rajan Kumar Son of Radhay Shyam Rai Resident of Village- Naraha, Ward
No. 6, PS- Bathnaha, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Bathnaha P.S. Case No. 335 of 2024 dated 23.07.2024 registered for the offence punishable under Section 25(1-B) (a)/26/35 of the Arms Act.

3. The petitioner was apprehended on the spot in police raid and from his possession, three live cartridges were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that three live cartridges were said to have been recovered from the possession of the petitioner. It is further submitted that seizure list has not been prepared according to



law. Further submission is that similarly situated co-accused Shailendra Kumar @ Shalendra Kumar from whose possession one country made pistol with one live cartridge is said to have been recovered and co-accused Vinod Kumar @ Vinod Chaudhary from whose possession two live cartridges and one knife is said to have been recovered, have been granted bail by this Court *vide* order dated 18-01-2025 passed in Cr. Misc. Nos. 75359 of 2024 and 74597 of 2024. Lastly, it has been submitted that the petitioner is in custody since 24.07.2024, having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 335 of 2024, subject to the following conditions:- (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on



two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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