

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8897 of 2016

Arising Out of PS.Case No. -450 Year- 2013 Thana -AURANGABAD TOWN District-
AURANGABAD

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Dhiraj Kumar Rai, son of Guru Rai, Resident of Industrial Area, Arjunpur,
P.S.-, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Aurangabad Town P.S. Case No. 450/13 for offences alleged

under Sections 409 of the Indian Penal Code and under Section

25(1-b) a of the Arms Act.

The prosecution case, as lodged by the informant,

is that petitioner was deputed Bodyguard of the then Principal

Judge, Family Court, Aurangabad and allotted one pistol of 9mm

and since 13.03.2010 he became absent from his duties and did not

deposit his pistol and bullet allotted to him for duty purpose for

which Departmental Proceeding No. 10/12 has also been initiated.

It has been submitted by the learned counsel for



the petitioner that he is innocent having not committed any offence and he does not have any criminal history, as is evident from paragraph 3 of this application. He further submits that the petitioner not being in present state of mind went to Ranchi and had a psychiatric treatment between 15.03.2010 to 27.10.2013 and on 27.10.2013 he was declared fit by the doctor and as soon as he became fit he deposited the fire-arm before the armory on 31.10.2013, which is evident from Annexure-3 to this application. He further submits that no overt act has been committed and already a departmental proceeding has been initiated against him bearing Aurangabad District Order No. 562/10.

However, learned APP for the State submits that the petitioner is named in the First Information Report and although he has deposited the fire-arms on 31.10.2013 but had absconded, hence, opposes the prayer for bail.

Be that as it may, since the fire-arm has already been deposited and petitioner is facing the departmental proceeding, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Aurangabad, in connection with Aurangabad Town P.S. Case No.
450/13, subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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