

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19888 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- BARAULI District- Gopalganj

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Manoj Kumar Ray Son of Bachulal Yadav @ Bechulal Yadav Resident of
Village- Ramapali, P.S.- Maharjganj, District- Siwan.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 23-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

The petitioner seeks bail in connection with Barauli
P.S Case No. 45 of 2020 registered for the offences punishable
under Sections 399, 402, 411, 413 and 414 of the Indian Penal
Code, Section 25(1-B)(a), 26(1)(2), 35 of the Arms Act and
Sections 8(C), 20(b)(ii)(B) of the Narcotic Drugs and
Psychotropic Substances Act.

It is contended by the learned counsel for the
petitioner that ingredients of the offences alleged under the
Arms Act and the Narcotic Drugs and Psychotropic Substances
Act are not attracted against the petitioner, as neither any arm
nor any Narcotic Drug or Psychotropic Substance was recovered



from his possession. It is further contended that even the ingredients of the offences punishable under Sections 399 and 402 of the Indian Penal Code would also not be attracted against the petitioner, as there is nothing to suggest that he was involved in any preparation to commit dacoity. It is also contended that as far as recovery of an Indigo car from the house of the petitioner is concerned, the FIR and the seizure list would itself suggest that though the occurrence had taken place on 22.02.2020 at 06:30 p.m. and the distance of the place of occurrence from the police station is only five kilometer, the FIR was belatedly registered on 23.02.2020 at 02:30 a.m. The seizure list would further reflect that the seizure of the vehicle was not from any garage or inside the house of the petitioner rather it was recovered in front of the house of the petitioner and, for that reason, he is languishing in custody for about nine months. Lastly, it is contended that the petitioner has got no criminal antecedent and having roots in the society, he is not likely to abscond or tamper with the evidence, if he is released on bail.

Learned counsel for the State has opposed the application for grant of bail to the petitioner. He contended that the arrested accused persons confessed the name of the petitioner, on the basis of which seizure of stolen car was made



from outside the house of the petitioner. He further contended that the offences are serious and the petitioner does not deserve bail.

Having regard to the allegations made in the first information report, the materials collected during investigation and the submissions advanced on behalf of the parties in course of argument, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge, Gopalganj in connection with Barauli P.S Case No. 45 of 2020.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order



passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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