

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24434 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

RAHUL KUMAR Son of Sanjay Kumar @ Sanjay Kuer Resident of Village -
Dihuli, P.S.- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jtotsna Rani Mishra

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-11-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

The petitioner seeks regular bail in connection with
Siwaipatti Police Station Case No. 7 of 2020, registered for the
offences punishable under Sections 467, 468, 471, 414, 386, 34
of the Indian Penal Code, Sections 25(1-b)a, e of the Arms Act,
Section 19 of U.A.P. Act and Section 17 of C.L.A. Act.

The prosecution story, as per the First Information
Report, is that the police, on the basis of secret information that
some persons, who are active members of Azad Hind Fauj, have
gathered at the house of co-accused Bibhash Kumar Singh,
raided the said house and arrested co-accused Akash Kumar and
from his bed, a country-made pistol along with one live



cartridge and one mobile was recovered. It has further been alleged that on further search of inner part of the said house, co-accused Bibhash Kumar Singh was arrested and one loaded country-made pistol with two live cartridges kept under his bed, was recovered. The name of the petitioner has transpired in the confessional statements of arrested co-accused persons and on the basis of the confessional statements of the arrested co-accused persons, the house of the petitioner was also raided and the police recovered one passion pro motorcycle, two live cartridges from the pocket of the petitioner and one mobile phone.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. She further submits that the motorcycle, which was allegedly recovered from the house of the petitioner, is not the subject-matter of any criminal case. She further submits that only two live cartridges were recovered from the possession of the petitioner and the petitioner is in custody since 08.02.2020, having no criminal antecedent. She next submits that similarly situated co-accused persons, namely Bibhash Kumar Singh and Akash Kumar, have been granted bail by this Court vide orders, dated 19.10.2020



and 17.09.2020, passed in Criminal Misc. Nos. 24470 and 22925 of 2020.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 08.02.2020, having no criminal antecedent and similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, Muzaffarpur, in connection with Siwaipatti Police Station Case No. 07 of 2020.

It is further made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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