

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26444 of 2020

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

Rambabu Rai @ Timal Rai @ Timal, aged about 40 years, Male, Son of Late Jai Narayan Rai, Resident of Village- Silodhi Paschim Tola, P.S.- Madhaura, District- Chhapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-11-2020 Heard Mr. Pramod Kumar Singh, learned counsel for the petitioner and Mr. Nagendra Prasad, learned counsel for the State through video conferencing.

Petitioner seeks regular bail in connection with Barauli P.S. Case No. 45 of 2020, giving rise to Trial Case No. 05 of 2020 registered for the offence under Section 399 / 402 / 411 / 413 / 414 of the I.P.C., Section 25 (1-b) A / 26 (1)(2) / 35 of the Arms Act and Section 8 (c) / 20 (b) (ii) (B) of the N.D.P.S. Act.

The allegation as per the First Information Report is that Police on the basis of secret information that some miscreants have assembled near the orchard of Devendra Prasad on N.H. 28, proceeded towards the place of occurrence and arrested two persons sitting on Discover Motorcycle namely, Ajit Kumar Singh @ Ravi & Rambabu Rai @ Timal i.e. this petitioner and recovered a country made loaded pistol from the waist of the petitioner and two packets of Ganja each containing



250 grams from the Discover Motorcycle.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel referring to the formal F.I.R. submits that the date of occurrence is 22.02.2020 and the formal F.I.R. has been registered on 23.02.2020 after delay of about 20 Hours.

After having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that petitioner has got criminal antecedent and Ganja has also been recovered from the possession of the petitioner, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for grant of regular bail after nine months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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