

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11703 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- BHAWANIPUR District- Purnia

RAMAN KUMAR Son of Butilal Mandal R/o Village- Harihar Tola, Choti Nathurwa, P.S.- Alamnagar, District- Madhepura, Bihar- 852210.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.

Mr.Bachan Jee Ojha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bhawanipur P.S. Case No.134 of 2020, registered for the offence punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

As per the prosecution case, while on patrolling duty, police party saw four persons sitting on two motorcycle at Durgapur chowk. On seeing the police, two persons fled away



and other two persons were apprehended. Two country made pistol has been recovered from the possession of the apprehended accused. They disclosed the name of the accused who fled away as the petitioner Raman Kumar and one Neeraj Rajak.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case only due to suspicion on the confessional statement of the co-accused. There is non compliance of Section 100 of the Cr. P.C. He was not apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situated co-accused namely Najo Kumar and Rakesh Kumar have been granted bail by this Court vide Cr. Misc. No.3790 of 2021 dated 25.03.2021. The petitioner has no criminal antecedent and has been languishing in custody since 15.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, since similarly situated co-accused have been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia, in connection with Bhawanipur P.S. Case No.134 of 2020.

(Anjani Kumar Sharan, J)

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