

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13624 of 2021**

Arising Out of PS. Case No.-371 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

RITESH KUMAR @ MUNMUN KUMAR, S/o Prem Shankar Jha, R/o
Athari A/P Manik Chowk Dakshani, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 26-10-2021 Perused the show cause and heard Mr. Amit Kumar Jha, learned counsel who has entered appearance on behalf of the petitioner.

On perusal of the show cause it appears that apart from this case there is one more case being Runnisaidpur P.S. Case No. 395 of 2021 against the son of the deponent and others. In the said case the prayer for bail of the petitioner was allowed vide order dated 07.01.2021 by the learned court below.

Learned counsel submits that there was no reason as to why the case in which bail has already been granted to the petitioner shall not be brought to the notice of the Court.

The submission is that the omission was unintentional and it is only because the deponent was not well versed with the said case and the deponent is virtually an illiterate person he



was unable to understand the ramification of such omission.

Mr. Akhileshwar Dayal, learned A.P.P. for the State is present.

Considering the kind of submission contained in the show cause this Court accepts the same.

Petitioner in the present case is seeking regular bail in connection with Runnisaidpur P.S. Case No. 371 of 2020 registered for the offence punishable under Section 25(1-B) (a)/26/35 of the Arms Act. He is in custody since 09.08.2020. Petitioner has got one criminal antecedent.

As per the prosecution story, on 08.08.2020 when the informant was with his patrolling squad, saw two persons riding on a motorcycle opened fire on one Guddu Singh and managed to run away towards Kharka Bandh. The informant rushed to the said area and on finding the Police party both the persons left the vehicle on road and tried to run away. One of them who is the petitioner was caught and from his possession one loaded pistol and one live cartridge was recovered.

Learned counsel for the petitioner submits that the petitioner was in fact arrested by Police from his house and not from the alleged place. According to him the search cum seizure list does not bear signature of independent witnesses and the



petitioner is in custody since 09.08.2020, investigation against him is complete, hence his prayer for release on bail may be considered.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that from the possession of this petitioner one loaded pistol and one live cartridge is said to have been recovered and in connection with this case he has remained in custody for over one year and further that the fire-arm report placed on the record shows that the two live cartridges were that of rifle and not of the pistol and it is not indicated that there was any firing from the said pistol, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIth, Sitamarhi in connection with Runnisaidpur P.S. Case No. 371 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

