

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13508 of 2021

Arising Out of PS. Case No.-336 Year-2019 Thana- BELHAR District- Banka

Rupesh Kumar Das Son Of Kapildev Das Resident Of Village - Dharampur,
P.S.- Shambhuganj, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shree Niwas Singh, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Belhar P.S. Case No. 336 of 2019 registered for the offences punishable under Sections 398 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 31.10.2019. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the First Information Report, the petitioner was nabbed near the bank where police party was already present. It is alleged that from possession of the petitioner one wire cutter, one board of



registration number of the vehicle and a motorcycle were recovered.

Learned counsel for the petitioner submits that though the case has been registered under Section 398 of the Indian Penal Code but the fact remains that the petitioner has not been arrested committing any robbery or dacoity and has not been found armed with any deadly weapon. It is submitted that the petitioner has remained in custody for almost 2 years but the trial has yet not been concluded.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner has been arrested near the bank and not in the premises of the bank and no deadly weapon has been recovered from his possession and further that he has remained in custody for about 2 years, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 336 of 2019, subject to the conditions 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.

The application stands allowed.

(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'.

