

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16204 of 2021**

Arising Out of PS. Case No.-152 Year-2020 Thana- SIMRI District- Darbhanga

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Nandlal Thakur S/O Sri Ashok Thakur @ Kari Thakur R/O Village-
Barhampur, P.S-Kamtaul, District-Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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

3 22-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Sucheta Yadav, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Simri P.S. Case No.152/2020 registered for the
offences punishable under Sections 399, 402, 412 and 120B of
the Indian Penal Code and Sections 25(1-A), 25(1-AA), 26(i),
35 of the Arms Act. He is in custody since 09.08.2020. The
petitioner has got five criminal antecedents and he is on bail in
all the cases as stated in paragraph '3'.

Learned counsel for the petitioner submits that as per

the prosecution story when the police party arrested the petitioner and the co-accused, from possession of the petitioner one loaded country made pistol, one live cartridge, one mobile and one key of a Pulsar motorcycle were recovered. From the possession of co-accused Jai Shankar also similar kind of recoveries were made. The co-accused Jai Shankar has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.13116/2021.

Learned counsel submits that considering that the petitioner has already remained in jail for over one year and in the facts of the present case no case under Sections 399 or 402 much less under Section 412 IPC may be made out, the petitioner deserves privilege of bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, in the nature of the seizure made from the possession of the petitioner, the custody of over one year and that the co-accused similarly situated having been granted bail by a learned coordinate Bench of this Court, this Court directs that the petitioner above named be released 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 J.M.-1st Class, Darbhanga in connection with Simri P.S. Case No.152/2020, 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'.