

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16318 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- MINAPUR District- Muzaffarpur

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GUDDU KUMAR @ GUDDU KR. RAJAK S/O LAKHINDRA RAJAK R/O
VILLAGE-REPURA, P.S-MINAPUR (O.P) PANAPUR, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-09-2021 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.

Learned counsel for the petitioner at the outset submits that inadvertently he had filed an another application being Cr.Misc.No.17552/2021 which he has been allowed to withdraw vide order dated 14.09.2021.

Heard learned counsel for the petitioner and Mr. Yogendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Minapur P.S. Case No.253/2020 registered for the offences punishable under Sections 420, 467, 468, 471 and 489(b)/34 of the Indian Penal Code and Sections 25(1-b)a, 26

and 35 of the Arms Act.

As per the prosecution story, the informant got information that some criminals had assembled at Pukarchak to commit crime. On receiving this information, the informant along with other police party reached at the spot and on seeing the police party three persons started fleeing away by two motorbikes but two of them along with motorbike were apprehended and one person managed to escape. The apprehended miscreants disclosed their names as Sudhir Kumar and Sunil Kumar @ Dhoni and they further disclosed the name of their associate who managed to escape as Guddu Kumar Rajak (petitioner). In presence of two independent witnesses search was made and from possession of Sudhir Kumar, one loaded country made pistol, one live cartridge, mobile phone, three ATM cards, PAN card and from the possession of Sunil Kumar @ Dhoni, one loaded country made pistol, mobile phone, two ATM cards and one motorbike bearing Reg.No.BR-06BT/0335 were recovered. Thereafter a raid was conducted in the house of Guddu Kumar Rajak (petitioner) but he was not found there and during course of search, one mobile phone, ATM card and cash of Rs.64,000/- were recovered and accordingly, seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not arrested on the spot and nothing incriminating has been recovered from the possession of the petitioner. Learned counsel further submits that the name of the petitioner has transpired in the statement of the apprehended accused.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was not arrested on the spot, his name has transpired in the statement of the apprehended accused and in course of raid in his house no arm or ammunition has been recovered though it is alleged that a sum of Rs.64,000/- and one ATM card and a mobile phone has been seized from his house, the petitioner is in custody in connection with this case since 03.08.2020, investigation against him is complete and out of the two cases stated in paragraph '3', he is on bail in one of the cases and his prayer for bail in another case is still pending, in the circumstances, 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 Sessions Judge, Muzaffarpur in connection with Minapur P.S. Case No.253/2020, 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'.