

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18054 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Ranjay Kumar @ Mukesh Kumar S/O Birendra Singh @ Virendra Singh R/o
village- Kumrar (Kamhrar), P.S.- Phenhara, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

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

2 16-07-2021 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 learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in

connection with Ghorasahan P.S. Case no. 233 of 2020 registered

for the offences punishable under Section 399, 402, 414 of the

Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story the police got secret information that

criminals have assembled in the house of co-accused Madhusudan

Kushwaha and they are lashed with arms and ammunitions, on this

information when the raid was conducted, from possession of



Madhusudan Kushwaha one loaded pistol with six live cartridges were recovered, from the possession of others also fire-arm and ammunitions were recovered, so far as this petitioner is concerned, from his possession one pistol having USA No. 10544/77 with a magazine in which five live cartridges were loaded and further seven live cartridges were recovered from the pocket of the petitioner. Altogether apart from the pistol 12 live cartridges were thus seized from the possession of this petitioner.

Learned counsel has however submitted that in this case co-accused Madhusudan Kushwaha has been granted bail by a learned coordinate Bench of this court in Cr. Misc. No. 37362/2020. He had also got criminal antecedents. He has further pointed out to this court that in fact this very court has granted privilege of regular bail to co-accused Subhash Kumar in Cr. Misc. No. 32637/2020 on 10.12.2020, therefore the petitioner being similarly situated be enlarged on bail.

On the other hand, learned A.P.P. for the State submits that so far as this petitioner is concerned, from his possession a pistol with loaded magazine containing five live cartridges and then seven live cartridges from his pocket were recovered. Not only that the quantity of live cartridges recovered from the possession of the petitioner is huge, he has got criminal antecedents of serious nature, though he is said to be on bail in



those cases, it seems that some of the cases are pending against him for over one decade and he is getting involved in commission of offence while enjoying the privilege of bail.

So far as the argument of learned counsel for the petitioner on the ground of similarity is concerned, it is pointed out that in the case of Subhash Kumar this court has granted bail after noticing that from his possession one 9 mm. Pistol with one live cartridge has been recovered and he had no criminal antecedent, in Cr. Misc. No. 37362/2020 in the case of Madhusudan Kushwaha, learned counsel representing the petitioner did not inform the complete facts inasmuch it would appear from the order passed by learned coordinate Bench on 02.02.2021 that the court was informed that there is recovery of one loaded pistol. Thus, the court was neither informed about six live cartridges from his possession nor about criminal antecedent of the said petitioner. Thus, both the orders will not help the petitioner in the present case.

Considering the facts and circumstances of the case wherein huge number of live cartridges have been recovered from possession of the petitioner and he has got several criminal antecedent of serious nature, this court is not inclined to release the petitioner on bail. His case does not stand on similar footing with the co-accused who have been granted bail as discussed



hereinabove.

At this stage, learned counsel for the petitioner submits that the petitioner has remained in custody in connection with this case since 20.06.2020, therefore considering the period of custody alone he may be released on bail.

This court is again not willing to accept the submission of learned counsel for the petitioner, as according to the court the mere period of custody cannot be a ground to release the petitioner on bail and this has been held by the judicial pronouncement in many cases. The gravity of the offences and the materials before the court are such that the prayer for bail of the petitioner is rejected.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

