

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17354 of 2021

Arising Out of PS. Case No.-324 Year-2019 Thana- BAIRIYA District- West Champaran

Ramakant Prasad aged about 25 years (M) Son of Suresh Prasad Resident of
Village - Tadhwanandpur, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bairiya P.S. Case No. 324 of 2019, registered for the offence under Sections 413, 414/34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, one loaded country-made pistol alongwith one mobile phone was recovered from the possession of petitioner and cash of Rs. 37,300/- was recovered from his house. It is further alleged that petitioner alongwith other co-accused persons used to commit theft from A.T.M. machine and also used to smuggle narcotics.

It is submitted on behalf of petitioner that name of the



petitioner has come on the basis of confessional statement of co-accused Ashok Sah. On the aforesaid confession, a raid was conducted and one country-made pistol and mobile phone as well as cash to the tune of Rs. 37,300/- were recovered from the possession / house of petitioner. It is further submitted that the recovered articles are not theft property, rather these articles belong to petitioner. There is no description of rupees alleged to have been stolen. Petitioner is in custody since 03.10.2019. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 324 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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