

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17982 of 2021**

Arising Out of PS. Case No.-483 Year-2020 Thana- GHOSI District- Jehanabad

RAJ KUMAR SON OF MR. VINAY YADAV @ VINAY PRASAD
RESIDENT OF VILLAGE- PAKHANPUR, P.S.- GHOSHI (OKARI O.P.),
DISTRICT- JEHANABAD

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur,Advocate
Ms.Vaishnavi Singh,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 13-07-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ghoshi (Okari) P.S. Case No. 483 of 2020 registered for the offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the Officer-in-Charge of Ghoshi Police Station received information that Sunil Bind and Bindu Bind received injuries by firearm and accordingly the Officer-in-



Charge went there and saw them lying injured. The injured person disclosed that Vijay Yadav and his associates have caused injury to him. On this basis, the police raided the house of Vijay Kumar. There the police apprehended Vijay Yadav and Ranjit Yadav and recovered firearm. Vijay Yadav and Ranjit Yadav further disclosed that this petitioner and Raushan Kumar have also kept firearm in their house. When the house of this petitioner was searched a rifle was found hanging on the wall, hence, the police arrested this petitioner and Raushan Kumar and seized the rifle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired on the basis of confessional statement of Vijay Yadav and Ranjit Yadav. The petitioner is in custody since 26.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this Court has noticed from the submissions made that at the instance of co-accused when a raid was conducted in the house of this petitioner, one country-made rifle was



recovered from his possession, the petitioner has got no criminal antecedent as stated in paragraph '3' and is in custody in connection with this case since 26.10.2020, investigation against him is complete but the trial is not likely to take place in near future, there is no allegation that any firing was done from the said rifle, therefore, 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, Jehanabad in connection with Ghoshi (Okari) P.S. Case No. 483 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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'.

