

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19570 of 2021**

Arising Out of PS. Case No.-247 Year-2020 Thana- BATHNAHA District- Sitamarhi

JAWAHAR LAL RAI Son of Ram Kishor Ray Resident of Village - Pandaul
urf Panthpakar, P.S.- Bathnaha, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar,Advocate

For the Opposite Party/s : Mr.Binod Kumar No. 3,APP

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

2 03-08-2021 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. Binod Kumar No. 3, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bathnaha P.S. Case No. 247 of 2020 for the offences registered under Section 392/34 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he along with other co-accused riding on motorcycle snatched gold Mangalsutra and a mobile from the informant when she had gone out of her house to meet natural call. It is alleged that on chase by the villagers the petitioner and co-accused were apprehended and on search one

country-made pistol with four live cartridges were recovered from the possession of the co-accused Mukesh Raut.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioner. The petitioner is in custody since 27.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the name of the petitioner has transpired allegedly in the confessional statement of the co-accused, there is no recovery of any incriminating article from the possession of the petitioner and further the petitioner has claimed that he has no acquaintance with the co-accused, country-made pistol and four live cartridges were allegedly recovered from the possession of the co-accused, petitioner has got no criminal antecedent and has remained in jail in connection with this case since 27.10.2020, investigation against him is complete, hence 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, Sitamarhi in connection with Bathnaha P.S. Case No. 247 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'.