

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19444 of 2021**

Arising Out of PS. Case No.-100 Year-2018 Thana- MOTIPUR District- Muzaffarpur

PRIY RANJAN @ CHUNCHUN, S/O- Ranjan Kumar @ Ranjan Bharti,
Resident of village - Rampurwa, P.S. - Baruraj, Dist. - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 23-07-2021 At the outset, learned counsel for the petitioner seeks permission to add Section 401 of the Indian Penal Code in paragraph '1' of the application.

Permission is granted.

Let Section 401 of the Indian Penal Code be added in paragraph '1' of the bail application.

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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 100 of 2018 registered for the offence punishable under Sections 25 (1-b)a, 26, 35 of the



Arms Act.

As per the prosecution story, the informant while on patrolling duty got secret information that three persons have gathered at Mohammadpur Balmi Mandir and can commit some crime. The police party raided the said place and on seeing police, three persons (including the petitioner) tried to flee way but one of them was caught by the police and two others including this petitioner fled away. Upon search one loaded country made pistol and one live cartridge and a mobile was recovered from the possession of the arrested person and he has disclosed the name of this petitioner and other co-accused and also disclosed that on 19.02.2018 they had committed a loot of money of Rs. 28,000/- along with a motorcycle and mobile.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner was not apprehended on the spot and no incriminating article has been recovered from the possession of the petitioner.

Learned counsel submits that the co-accused Md. Imam who was apprehended after chase and from whose possession one loaded pistol with two live cartridges were recovered has been granted privilege of bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 56559 of 2018, the petitioner is in custody



in connection with this case since 07.12.2020 and he has got one criminal antecedent as stated in paragraph '3' in which he has been granted bail by learned court below.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was not apprehended on the spot and no incriminating article has been recovered from his possession, the co-accused Md. Imam who was apprehended after chase and from whose possession one loaded pistol with two live cartridges were recovered has been granted privilege of bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 56559 of 2018, the petitioner is in custody in connection with this case since 07.12.2020 and he has got one criminal antecedent as stated in paragraph '3' in which he has been granted bail by learned court below, this Court directs release of the petitioner above named 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 S.D.J.M., (West) Muzaffarpur in connection with Motipur P.S. Case No. 100 of 2018, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

