

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25732 of 2021

Arising Out of PS. Case No.-727 Year-2016 Thana- SITAMARHI District- Sitamarhi

Rakesh Yadav @ Rakesh Rai @ Rakesh Kumar S/O Suresh Yadav @ Suresh Rai @ Suresh Ray R/o Mohalla- R.D. Palace, Ward No. 18, Indira Nagar, P.S. and District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 727 of 2016 instituted for the offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.09.2020 and charge-sheet has been submitted. Learned counsel further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that during vehicle checking four persons on two motorcycles were stopped by the police and out of four persons, two were apprehended namely Vikram Tiwary and Rajan Rai who disclosed the name of this petitioner. Further, one country-



made pistol with one live cartridge was recovered from Vikram Tiwary along with one sim and Rajan Rai disclosed that he used to commit offence with his said associates.

Learned counsel for the petitioner submits that admittedly from the allegation as alleged in the F.I.R. it would manifest that the petitioner was not apprehended at the spot as such nothing has been recovered from his possession. The petitioner has been has been made accused based on the confessional statement of Vikram Tiwary and Rajan Rai and the petitioner is languishing in custody for more than a year.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner has got criminal antecedents as mentioned in paragraph '3' of the petition. On which the learned counsel for the petitioner submits that the cases are of the year 2008 and thereafter the petitioner came to be implicated in the false case.

Considering the fact that the petitioner is in custody since 26.09.2020, he was not apprehended on the spot and the charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV,



Sitamarhi in connection with Sitamarhi P.S. Case No. 727 of
2016 subject to the condition as laid down under Section 437 (3)
Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

