

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25568 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- MADHUBAN District- East Champaran

Ruplal Prasad Son Of Brahmdeo Prasad R/O Village- Mathia, P.S-
Pakaridayal, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 Heard learned counsel for the petitioner and
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Madhuban P.S. Case No. 198 of 2020 registered for the offences punishable under Section 25(1-B)a, 26 of the Arms Act. He is in custody since 04.07.2020.

As per the prosecution story, the informant alleged that on 04.07.2020 while he was on patrolling duty and in course of patrolling seeing the police force one person started fleeing away but on chase he was apprehended and disclosed his name as Ruplal Prasad (the petitioner). On search, one country made pistol, two pieces fired cartridges and one empty cartridge were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned



counsel submits that one country made pistol and two pieces fired cartridges and one empty cartridge are said to have been recovered from possession of the petitioner, however he is in custody since 04.07.2020 having one criminal antecedent being Madhuban P.S. Case No. 197/2020 in which his prayer for bail is pending.

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

Having regard to the facts and circumstances of the case wherein allegedly petitioner was arrested with one country made pistol, two pieces fired cartridges and one empty cartridge, the submission being that the petitioner has been falsely implicated in this case, he is in custody in connection with this case since 04.07.2020, investigation against him is complete, petitioner has been made accused simultaneously with Madhuban P.S. Case No. 197/2020 in which his prayer for bail is still pending, in the circumstance, so far as this case is concerned, this court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Kumari Jyotsana, learned Judicial Magistrate - 1st Class, East Champaran at



Motihari, in connection with Madhuban P.S. Case No. 198 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

Rajeev/-

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

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'.

