

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25565 of 2021

Arising Out of PS. Case No.-393 Year-2020 Thana- DUMRA District- Sitamarhi

Narendra Kumar, Son of Naresh Ray, R/O Vill- Narsama, P.S- Riga, Dist- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 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 Senior 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 Dumra P.S. Case No. 393 of 2020 registered for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code and Section 25 (1-b)a, 26/35 and 27 of the Arms Act. He is in custody since 06.12.2020. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, the informant got information that one Alto car is standing near Maharani Sthan in village Belwas and the persons are sitting inside the vehicle are



planning to commit some occurrence. The informant reached there and on seeing the Police some persons started fleeing by making firing, they were chased, one of them was apprehended and others managed to escape. Seeing the action of Police, villagers assembled there and started damaging the Alto car bearing registration no. BR01 BB1497. The informant made the villagers understand. The apprehended person disclosed his name as Narendra Kumar (the petitioner) and on search one pistol having three cartridges and one mobile were recovered. The apprehended person disclosed the name of his companions who managed to escape and accepted that they were planning to commit loot.

Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the Alto car in question does not belong to the petitioner and the petitioner was present among the villagers in seeing the occurrence. Petitioner is in custody since 06.12.2020.

Mr. Akhileshwar Dayal, 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 from the possession of the petitioner one



pistol and three live cartridges were recovered, the submission is that the Alto car in which allegedly the miscreants were sitting and on seeing the Police party some of them had fled away does not belong to this petitioner and in this regard statement has been made in paragraph '7' of the petition and further submission that the petitioner has got no criminal antecedent and has remained in custody in connection with this case for over nine months, investigation against him is complete and at this stage there is no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 393 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)

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'.

