

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27647 of 2021**

Arising Out of PS. Case No.-618 Year-2020 Thana- KANTI District- Muzaffarpur

RAUSHAN KUMAR S/o- Deo Shankar Sah R/o Village- Sirasiyan, P.S.-
Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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

2 21-10-2021 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kanti P.S. Case No. 618 of 2020
registered for the offences punishable under Sections 399, 402
of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of
the Arms Act. The petitioner is in custody since 08.10.2020. He
has no criminal antecedent.

As per the prosecution story, on secret information the
informant along with other police personnel reached at the place
of occurrence where on seeing the police party 5-6 accused
persons tried to flee away but three persons were apprehended



including this petitioner. On search of the person of the petitioner one country-made pistol and one loaded 12 bore country-made katta have been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the allegedly recovered article. The petitioner is in custody since 08.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case in which one country-made pistol and one loaded 12 bore country-made katta have been recovered from the possession of the petitioner, however, the petitioner has remained in custody since 08.10.2020, he has got no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future as also that the co-accused, namely, Amarjeet Kumar @ Gena has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 15007 of 2021, 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 A.C.J.M. II, West Muzaffarpur in connection with Kanti P.S. Case No. 618 of 2020, subject to the conditions 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.

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'.

