

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28454 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- SARAIYA District- Muzaffarpur

Mukesh Pathak, S/O Late Ramchandra Pathak, R/O Villalage-Dharfari, P.S.-
DEORIYA, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 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 counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Saraiya P.S. Case No. 111 of 2020 registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act. He is in custody since 22.02.2020. Petitioner has got two criminal antecedents as stated in paragraph ‘3’ of the petition.

As per the prosecution story, the informant got information regarding assemblage of some criminals then he reached at the given place with Police party where on seeing the



Police the persons assembled there started fleeing but the Police caught five persons including the petitioner. It is alleged that from possession of the petitioner one loaded Katta has been recovered from his possession. Recovery of weapons have been made from others also.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that for recovery of one loaded country made Katta the petitioner is in custody since 22.02.2020 and investigation against him is complete.

Mr. Md. Fahimuddin, 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 it is submitted that from possession of the petitioner one loaded Katta was allegedly recovered, however, the petitioner has remained in custody in connection with this case for more than one year eight months and investigation against him is complete but the trial is not likely to be concluded in near future as also that in two cases reported against the petitioner in which the prayer for bail of the petitioner is still pending, so far as the present case is concerned, 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 A.C.J.M. 1st , West Muzaffarpur in connection with Saraiya P.S. Case No. 111 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)

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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'.

