

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38414 of 2021**

Arising Out of PS. Case No.-219 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJNISH THAKUR @ RAJNISH KUMAR @ APPU THAKUR Son of
Dinesh Thakur Resident of Village- Patahi Roop, P.S.- Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar , Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2021 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner. No one appears for the State.

Petitioner renews his prayer for bail inasmuch his bail
application was rejected by this Court vide Cr. Misc. No. 28619
of 2020 with liberty to the petitioner to renew his prayer for bail
after six months.

Petitioner was made accused in connection with Sadar
P.S. Case No. 219 of 2020 registered for the offence under
Section 25 (1-b) a / 26 / 35 of the Arms Act.

The allegation is that a country made pistol with five
cartridges were recovered from the possession of the petitioner.

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



Sadar P.S. Case No. 218 of 2020 was lodged on the basis of the video clip in which Subhash Thakur @ Munna Thakur was named who allegedly along with the petitioner looted cash, motorcycle, arms from the Bank and on the basis of the statement made by Subhash Thakur @ Munna Thakur Police raided the house of the petitioner and recovered a country made pistol and five cartridges from his possession and some looted money however two F.I.Rs. have been lodged for the same offence inasmuch as for the recovery of the alleged looted amount the petitioner has been made accused in Sadar P.S. Case No. 218 of 2020 and for the recovery of the fire arms the present case bearing Sadar P.S. Case No. 219 of 2020 has been lodged. Learned counsel further submits that at the time of recovery of the fire arms the procedure prescribed under Section 100 of the Cr.P.C. for search and seizure was not followed and the petitioner is in custody since 25/4/2020 and charge sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , the fact that petitioner is in custody since 25.4.2020, charge sheet has already been submitted, there is no likelihood that the petitioner will abscond or tamper with the evidence and this is



second attempt for bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IX, Muzaffarpur in connection with Sadar P.S. Case No. 219 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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