

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6012 of 2021

Arising Out of PS. Case No.-709 Year-2019 Thana- MAHUA District- Vaishali

RAHUL KUMAR Son of Vijay Ray Resident of Village- Sadapur Dasrath
Chok, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahua P.S. Case No. 709 of 2019 dated 20.12.2019 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.

As per the prosecution case, acting on a tip of information that some miscreants were assembled at Chakamjahid Bheriyahi Orchard and making plan to commit offence, informant along



with other police personnel reached there. While seeing the police party the miscreants tried to flee away then with the help of police party seven out of ten miscreants were got apprehended and petitioner is one of them. In the presence of two independent witnesses search was made then one loaded country made pistol with four live cartridge and one mobile phone were recovered from the possession of the petitioner and country made pistols, several cartridges, twenty thousand rupees in cash and a stolen bike was recovered from other co-accused persons.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious physical possession of the petitioner which connects him with the present case but only on suspicion, he falsely been implicated in this case from his house in night and got signature on seizure list under threat and compulsion, the mobile phone which was recovered from his possession, belongs to him. He further submits that the co-accused Pankaj Kumar has already been granted bail *vide* order



dated 17.07.2020 passed in Cr. Misc. No. 18910 of 2020 by a different co-ordinate bench of this High Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has five criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 12.12.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Mahua P.S. Case No. 709 of 2019 subject to the condition that the petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J)

GAURAV S./-

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