

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34592 of 2020

Arising Out of PS. Case No.-552 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

BOBBY @ BABUL S/o Saiyad Ali @ Sheikh Saiyad Ali R/o village-
Tangaul, P.O. and P.S.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 15-04-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Hajipur Sadar P.S. Case no. 552 of 2019, registered under Sections 307, 353, 412 and 414/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that in course of patrolling duty, six persons were seen on two motorcycles. On seeing the light of Police vehicle, both motorcycles stopped at a distance of 15 yards, but, at that time, two persons boarded on the motorcycle started firing moving towards village-Subhai. The police personnel also started firing, in defence. At that time, four persons succeeded in fleeing, while two persons with both motorcycles fell down there. Thereafter, they were caught hold,



who disclosed their names Rahul Kumar Singh and Raja @ Prince @ Sarfaraj. On search, Rahul Kumar Singh was found in possession of one country made pistol, whereas, Raja @ Prince @ Sarfaraj was found in possession of semi automatic country made pistol loaded with four live cartridges and he was also found in possession of one country made revolver with two live cartridges. On search of Apache motorcycle bearing registration No. BR31AG-1291, one bag, containing gold and silver ornaments, was also recovered. On query, Rahul Kumar Singh disclosed that before one hour, he along with Raja @ Prince, Bechan @ Sanjay Mahto, Chaputa @ Golu, Saddam and Bobby @ Babul (Petitioner) had committed dacoity and looted the said silver and gold ornaments and in course of fleeing Raja @ Prince sustained injury.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that petitioner was not apprehended on the spot, rather, his name has been disclosed by co-accused Rahul Kumar Singh and Raja @ Prince, who are said to be apprehended by the Police with two motorcycles and a bag, containing silver and gold ornaments, which is said to be looted articles. Further submission is that while petitioner is accused in Vaishali Sadar P.S. Case No. 553 of 2019, but he has



been allowed privilege of pre-arrest bail in the said case vide Criminal Miscellaneous No. 25985 of 2020 on 06.01.2021.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 552 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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