

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3478 of 2021**

Arising Out of PS. Case No.-158 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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BYAS BIN @BYASH BIND @ KAYAS BIN @ KEYAS BIN @VYAS BIN
SON OF LATE NARAYAN BIND@ LATE NARAYAN BIN RESIDENT OF
VILLAGE- PIPRAHI, POLICE STATION- UCHAKAGAON, DISTRICT-
GOPALGANJ

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-04-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Trial No. 06 of 2020 arising out of Gopalganj

Town P.S. Case No. 158 of 2020 registered for the offences

punishable under Sections 399, 402 and 414 of the Indian Penal

Code, Sections 25(1-b)a, 26 and 35 of the Indian Penal Code

and Sections 8 (c) and 21(a) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that as per



the prosecution story, on 07.03.2020 at 11.30 A.M., a confidential information was received by the informant that some miscreants were standing at Islamiya Mohalla Dargah in front of Gauri Sah Shop and were planning to commit dacoity, consequently, a raid was conducted. On seeing the police party, the miscreants started fleeing away but they were chased and four persons were apprehended including the petitioner. On search, one loaded country-made pistol, one live cartridge, a motorcycle, a mobile and 03 gram of smack like substance are said to have been seized from the possession of this petitioner. Recovery of smack has been made from others also.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the seized quantity is much less than the small quantity and the other similarly situated have been granted bail by learned Co-ordinate Benches of this Court vide Cr. Misc Nos. 22714 of 2020 and 25507 of 2020 respectively. It is submitted that the petitioner is in custody since 08.03.2020.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the



case, wherein it is the submission of learned counsel for the petitioner that one loaded country-made pistol, one live cartridge, a motorcycle, a mobile and 03 gram of smack like substance are said to have been seized from the possession of this petitioner, however, the petitioner has remained in jail in connection with the present case for over one year and the quantity of the smack is below the small quantity as also that in the six cases stated against the petitioner, he is on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Gopajganj in connection with Trial No. 06 of 2020 arising out of Gopalganj Town P.S. Case No. 158 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

And further condition that the petitioner shall appear on each and every date fixed in the matter. Two consecutive defaults in putting appearance before the learned trial court shall invite action towards cancellation of bail by the learned court below itself.

This application stands disposed of accordingly.

(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'.

