

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40373 of 2020

Arising Out of PS. Case No.-169 Year-2020 Thana- PATEPUR District- Vaishali

RAHUL RAI SON OF GANESH RAI RESIDENT OF VILLAGE-
KHAJANPURA, P.S.- PATEPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2021 Heard Mr. Vinod Kumar, learned counsel for the

petitioner and Mr. Raj Kishore Singh, learned Additional Public

Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Patepur P.S. Case No. 169 of 2020 registered under Section
399, 402, 411, 412, 414, 420 / 34 of the I.P.C., Section 25 (1-b)
a / 26 / 35 of the Arms Act and Section 20 (B) (II) / B / 25 / 29
of the NDPS Act.

The allegation as per the First Information Report is
that Police on the basis of secret information proceeded towards
the place of occurrence and upon seeing the police party the
accused persons assembled there tried to flee away, however,
Police succeeded in arresting three persons and rest of the
accused persons succeeded in fleeing away. The arrested



accused person Md. Yasin disclosed the name of the petitioner and others who were present at the place of occurrence. The Police recovered one loaded country made pistol along with 1 Kg 50 gram Charas from Md. Yasin and also recovered 1 Kg 50 gram Charas from Rahul Sahni.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of confessional statement made by the arrested co-accused. Learned counsel next submits that loaded pistol and Charas have not been recovered from the possession of the petitioner and the same were recovered from the possession of the arrested co-accused. Learned counsel also submits that during the course of investigation no *prima facie* material has come against the petitioner to show that he was involved in the present offence.

On the other hand, learned counsel for the State submits that during the course of investigation it has come that petitioner has got criminal antecedent and his name has been disclosed by the arrested co-accused in his confessional statement.

Having regard to the submissions made by the parties and taking into consideration the fact that incriminating material has not been recovered from the possession of the petitioner, he



is in custody since 17.08.2020 and charge sheet has already been submitted, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 169 of 2020 on the following condition:-

(i) That the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

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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