

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3559 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- BODHGAYA District- Gaya

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ROHIT KUMAR @ VISHAL KUMAR S/o Sri Suresh Yadav Resident of
Vill.- Amewan, P.S.- Bodhgaya, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-04-2021 Learned counsel for the petitioner undertakes to

remove the defects as pointed out by office within four weeks

from the date of start of normal functioning of this 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 Bodhgaya P.S. Case No. 17 of 2020

registered for the offences under Sections 399, 402 and 411 of

the Indian Penal Code and Section 3/4 of the F.E.M.A. Act.

Learned counsel for the petitioner submits that as

per the prosecution story, the informant initially arrested co-

accused Rahul Pandey and on his disclosure raided the given

place and arrested six accused persons including the



petitioner. On search, from possession of the petitioner one mobile was recovered and from others arms and ammunitions were recovered and further other incriminating materials have also been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that no firearm has been recovered from the possession of the petitioner. Learned counsel submits that the petitioner is in custody since 12.01.2020 having no criminal antecedent.

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 and the materials appearing from the records showing that from the possession of this petitioner no firearm has been recovered, the recovery is that of only a mobile phone, in paragraph '3' of the application, it is specifically stated that petitioner has no criminal antecedent, the petitioner is said to have remained in custody in connection with the present case since 12.01.2020 and the investigation against him is complete, there is no submission on behalf of the State that release of the petitioner at this stage is in any way likely to



result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Bodhgaya P.S. Case No. 17 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

The 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'.

