

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.829 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- KOTWALI District- Patna

LAXMAN ROY @ MONU S/o Chandradeep Roy R/o Mohalla- Raghunath
Tola, P.O.- Anisabad, P.S.- Gardanibag, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-05-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner as well as learned APP for the State.

The petitioner seeks bail in Kotwali P. S. Case No. 221 of 2020 registered for the offence under Sections 399, 400, 402 and 414 IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act.

It is the prosecution case that acting on an information the police has arrested four persons, including the petitioner, who were planning to commit loot in some Petrol Pump.

Learned counsel for the petitioner submits that even as per the allegation no offence has been committed. It is further submitted that the petitioner has no criminal antecedent. The alleged recovery of two live cartridges from his possession is denied. It is submitted that the implication is based on extraneous



consideration. Another co-accused Vikram Kumar who too was implicated on extraneous consideration has been allowed bail in Cr. Misc. No. 25207 of 2020. The petitioner is in custody since 09.05.2020.

Learned APP for the State opposed the prayer for bail. It is submitted that there is recovery of two live cartridges from petitioner's possession and that in the circumstances he cannot escape his criminal liability.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Kotwali P. S. Case No. 221 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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