

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2306 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- MOTIPUR District- Muzaffarpur

RAM PRAWESH KUMAR @ SADHOO SON OF HEERA LAL RAI @
HIRA LAL RAY RESIDENT OF VILLAGE- HIRAPUR, POLICE
STATION- PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 09-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 399/402 of the Indian Penal
Code and Section 25 (1-b)a, 26 & 35 of the Arms Act.

Acting on a tip-off, when the informant, who
happens to be S.H.O. of Motipur Police Station, along with the
police force reached at N.H.28, he saw that 7-9 miscreants in



vigilant and suspicious state are standing beside four high speed motorcycles and after seeing the police party they tried to escape. Two miscreants succeeded to escape while five of them were apprehended by the police and petitioner is one of them. From possession of the petitioner one country made loaded pistol and three live cartridges are said to have been recovered.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the petitioner was passing through the place of occurrence at the time of occurrence and merely on suspicion he has falsely been implicated by the police showing the alleged recovery. The petitioner has no criminal antecedent and has been languishing in custody since 09.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motipur P.S. Case No.154 of 2020.

Learned lower Court is directed to accept the bail bond of the petitioner after verification of his criminal antecedent.

(Anjani Kumar Sharan, J)

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