

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6271 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- TEKARI District- Gaya

RAVI KUMAR @ RAJESH KUMAR @ RAJESH BHADANI, Son of Janak Prasad, Resident of Village- Azamatganj, P.S.- Paraiya District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2021 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 Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Tekari P.S. Case No. 27 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code. Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the F.I.R., the informant along with his mechanic was going with a sum of Rs. 70,000/- and around 100 gms of gold and 6 Kg. of silver ornaments. On way, he was intercepted by three persons who were on a motorcycle, they put a revolver on the



temporal region of the informant and took away the bag in which cash and gold as well as silver ornaments were kept. The informant raised suspicion against his mechanic Shailesh Kumar @ Aniket.

Learned counsel for the petitioner submits that after about 20 days Police got recorded statement of one Munnilal Paswan who is a resident of Amoukhar falling in Paraiya Police Station. The said Munnilal Paswan disclosed that on 24.01.2020 one of his close relative namely Guddu Paswan, Bijli and Lalan came to his house at about 8.00 P.M. Guddu Paswan happened to be a distant relative of Munnilal Paswan who was holding a black colour bag. Munnilal Paswan was not knowing the other two persons. All of them stayed there overnight and left in the morning. In his statement, Munnilal Paswan raised a doubt that in the night Guddu Paswan would have talked to this petitioner and this petitioner came in the morning on 25.01.2020 to whom the black colour bag was handed over and at this stage he found that the bag was torn from one of the sides and Munnilal Paswan could see that there were some silver ornaments in the bag.

Learned counsel submits that this is how the Police has framed this petitioner in the present case. The petitioner was



not among the three persons who had gone to stay in the house of Munnilal Paswan and further nothing incriminating has been recovered from his possession. The informant had not disclosed the colour of the bag and the statement of Munnilal Paswan is nothing as a guess work. It has been recorded after 20 days. Petitioner has otherwise no criminal antecedent.

Mr. Tarun Prasad Mandal, learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the entirety of the facts and circumstances, there being no clear identification either of the bag or this petitioner, this Court directs the petitioner above-named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya in connection with Tekari P.S. Case No. 27 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

