

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6232 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- RAJAPAKAR District- Vaishali

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GAURAV KUMAR, SON OF UPENDRA PRASAD @ UPENDRA PRASAD SINGH, RESIDENT OF VILLAGE -BHALUI P.S. RAJAPAKAR DISTRICT VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-08-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rajapakar P.S. Case No.99 of 2020 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case in brief is that on 08.05.2020 when the informant was on night patrolling duty he received a secret information that near Rajapakar High School some

criminal are planning to commit loot in the petrol pump. On receiving this information when the police party reached near Bhalui Panchayt Bhawat at about 5.00 am, on seeing the police party some criminals started fleeing away. It is alleged that on chase four of them including this petitioner were caught by the police but others managed to escape. On search, one country made loaded pistol of 7.65 mm was recovered from the right waist of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that no arms and ammunition as alleged in the First Information Report has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 09.05.2020.

Learned counsel submits that the petitioner has got two criminal antecedents and it is stated that in one of them he is on bail whereas in another case his prayer for bail is pending.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegedly the petitioner was arrested with a loaded

pistol but has remained in custody for more than one year in connection with this case, there is no recovery of any looted article from the possession of the petitioner and the allegation is to the extent that the petitioner and co-accused were planning to commit a loot in the petrol pump but before that they were arrested, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No.99 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 the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.