

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8275 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- MAHUA District- Vaishali

Neeraj Rai Son of Mahesh Rai Resident of Village- Harpur Aasti, P.S.-
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-06-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahua P.S. Case no. 295 of 2020 registered under sections 399 and 420 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 20, 22, 23 and 27A of the NDPS Act.

It is submitted by learned counsel for the petitioner that a supplementary affidavit has been filed on behalf of the petitioner for making correction in the name of the petitioner on page 1 of the application wherein the name of the petitioner has been wrongly typed as 'Nireej Rai' instead of the correct 'Neeraj Rai'.

Let the name of the petitioner on page no.1 of the



application be read as 'Neeraj Rai'.

As per allegation in the F.I.R., it is stated that on information having been received that the accused persons were making plan to give effect to an occurrence, a raid was conducted and two accused namely, Rohit Kumar @ Kallu and Rohit Sahni were arrested. On inquiry they disclosed the name of the four accused persons who had managed to escape, which included the petitioner herein. It is stated that a loaded country made pistol, a live cartridge and 3.63 kg of ganja was recovered from Rohit Sahni and 1.96 kg of *ganja* was recovered from another accused.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Neither any incriminating article has been recovered from his possession nor was he arrested at the spot. His name has transpired in the confessional statement of a co-accused made before the police. He is in custody since 8.9.2020 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the



petitioner together with the petitioner having remained in custody for 9 months, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Mahua P.S. Case no. 295 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, Vaishali.

(Partha Sarthy, J)

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