

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10875 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- DESARI District- Vaishali

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GOLU @ GOLIYA @ AKHILESH RAI S/O NAGINA RAI R/O VILLAGE-
TARA DHAMAUN, PS PATORI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 14-06-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Desari (Chandpur O.P.) P.S. Case No.16/2020 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code, Section 25(1-b)a, 26/35 of the Arms Act and Section 8/20 b (ii) 9B)/22/29 of the NDP Act.

The prosecution case in brief is that on 18.01.2020 at about 13.00 pm, the informant who is SHO of Chandpura O.P., P.S.-Desari on the basis of secret information caught three persons at Ajanpur Bagicha and other two persons fled away on the motorcycle. It is further alleged that on search from the



possession of Deepak Paswan one country made pistol with two live cartridges of .315 bore and one back coloured mobile, from the possession of Chandan Pandit two live cartridges of .315 bore and one old samsung mobile and from the possession of Kundan Kumar one bag containing 5 kg Ganja were recovered.

Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that nothing has been recovered from the possession of the petitioner and his name has transpired in the statement of the apprehended accused. It is submitted that the petitioner is in jail in connection with this case since 12.03.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner, his name has transpired in the statement of the apprehended accused and further that the petitioner is in jail in connection with the present case since 12.03.2020, investigation against him is complete and some of the co-accused have been granted bail by learned coordinate Bench of this Court by



different orders as contained in Annexure-2 to the present application, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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 Desari (Chandpur O.P.) P.S. Case No.16/2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

