

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8758 of 2021**

Arising Out of PS. Case No.-163 Year-2020 Thana- BARURAJ District- Muzaffarpur

RANJAN KUMAR S/o Bhola Mahto Resident of Village - Lakhna, P.S. -
Sahebganj, Dist. - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mr.Aslam Ansari, APP

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

2 30-04-2021 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
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Baruraj P.S. Case No. 163/2020
registered for the offences punishable under Sections 25(1-B)A,
26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant who is A.S.I. of Baruraj P.S.
submitted a written report stating therein that while he was on
day patrolling duty at about 12.30, he received a secret
information that at Bidhulia More two suspected persons are



talking in suspicious condition. It is further alleged that on such information the informant along with other police force reached at the given place and apprehended two persons at the spot. On interrogation, they disclosed their names as Ajeet Kumar and Ranjan kumar (petitioner). It is further alleged that on search from the possession of petitioner one loaded country made pistol and from the possession of Ajeet Kumar (co-accused) one .315 cartridge was recovered and accordingly seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case as there is no recovery from his conscious possession. Learned counsel submits that the co-accused has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc. No.5849/2021. It is submitted that the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with this case since 03.09.2020.

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 alleged that from possession of the petitioner a country made loaded pistol was recovered and from the



possession of co-accused one .315 cartridge was recovered, the co-accused has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.5849/2021, the petitioner has remained in jail in connection with this case since 03.09.2020, he has otherwise no criminal antecedent and investigation against him is complete, 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 Sri Mahendra Mishra, J.M.-1st Class, Muzaffarpur, in connection with Baruraj P.S. Case No.163/2020, 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)

arvind/rajeev

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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'.

