

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8075 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- BIHAR District- Nalanda

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MOHAN KUMAR Son of Nagi Prasad @ Rajbindra Prasad Resident of
Village - Dhaspur, P.s.- Manpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 690 of 2021 registered for the alleged offences under Sections 399/402/414 of the Indian Penal Code and 25(1-b) (a)/26/35 of the Arms Act.

The prosecution case is that police received information about assembly of some miscreants at Muraura bypass, a raid was conducted on the place and the petitioner along with co-accused persons who were apprehended from the spot. From this petitioner, a country made pistol, one live cartridge along with four mobile phones and a motorcycle were seized. It is further alleged that the



miscreants had assembled there for committing *dacoity*.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of the petitioner. The petitioner was called out from his house and was arrested by the police showing recovery of incriminating articles from his possession. The allegation about assembly of the petitioner and other co-accused persons for committing crime is highly absurd because bypass road remains very busy during day time. Allegedly recovered motorcycle belongs to the father of the co-accused Rahul Kumar and two of the recovered mobile phones belong to this petitioner. Other co-accused persons have been granted bail in the Court of Sessions itself. This petitioner has been named in two other cases and he is on bail in both the cases. Charge sheet has been submitted in this case and the petitioner is in custody since 11.10.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended while making preparation of *dacoity* and from his possession a country made pistol, one live cartridge along with four mobile phones and a motorcycle were seized.

Having regard to the submission made hereinabove and considering the fact that the charge sheet has been submitted and further considering the period of custody of the petitioner, the



petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif P.S. Case No. 690 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) The petitioner will not commit similar type of offences in future.
- (v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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