

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9540 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

Raushan Kumar Mehta @ Raushan Mehta, Son of Ranjay Prasad @ Ranjay Ram Chandra Prasad, Resident of Village- Pirwan, P.S. Solaiya, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 186, 353, 307, 411, 412, 413, 414, of the Indian Penal Code and Sections 25(1-b)a, 26(ii), 27 and 35 of the Arms Act.

Recovery is of altogether one country made pistol and four live cartridges.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of disclosure made by the co-accused. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered



from the conscious possession of the petitioner and in fact petitioner was not arrested on the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons namely, Dilip Sharma, Ashish Kumar Yadav @ Ashish Kumar, Nitish Kumar have been granted bail by this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 1532 of 2022 and Cr. Misc. No. 1826 of 2022, other co-accused persons namely, Rajesh Kumar Yadav and Ashok Yadav have been granted bail by a co-ordinate Bench of this Court vide orders dated 23.05.2022 passed in Cr. Misc. No. 4334 of 2022 and Cr. Misc. No. 4362 of 2022 and another co-accused person namely Surendra Yadav has been granted bail by this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 313 of 2022. The petitioner is in custody since 26.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Salaiya P.S.



Case No. 47 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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