

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13817 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- KATEYA District- Gopalganj

SUNIL RAI Son of Paltu Rai Resident of Village - Kalyanpur, P.s.- Bhore,
Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 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 Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kateya P.S. Case No. 308 of 2021 registered for the offences punishable under Section 411, 414, 323, 504, 353, 332, 333/34 of the Indian Penal Code. He is in custody since 03.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he alongwith other police personnel were engaged in vehicle checking at Suksenwas Market, he saw two persons sitting on a motorcycle coming towards U.P. and on



seeing police party the accused persons tried to flee away but they were caught by police. The apprehended persons did not produce any valid paper of the motorcycle. On interrogation they disclosed the name of Rakesh Gupta @ Guddu Gupta who was the owner of brewery (sharab Bhathi). The informant further alleged that police raided at the said sharab bhathi and all the accused persons were apprehended and altogether five motorcycles were recovered. It is further alleged that during interrogation all the five accused persons started abusing and marpit with the police and thereafter three persons namely, Rakesh Gupta @ Guddu Chauhan and Sunil Rai (the petitioner) were arrested by police.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits the only allegation against the petitioner is that he was also riding on the motorcycle which is said to be a stolen one, however, he is in custody since 03.09.2021.

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

Having regard to the submission that the only allegation against the petitioner is that he was also riding on the motorcycle which is said to be a stolen one, the petitioner has



remained in custody since 03.09.2021, investigation against him is complete and petitioner has got no criminal antecedent as also the co-accused Rakesh Gupta @ Guddu Gupta has been granted bail by this court in Cr. Misc. No. 67523/2021, the petitioner is ready to abide by the terms and conditions of bail, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond 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, Gopalganj, in connection with Kateya P.S. Case No. 308 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

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'.

