

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13055 of 2022

Arising Out of PS. Case No.-562 Year-2021 Thana- JOGAPATTI District- West Champaran

RANJEET KUMAR RAI SON OF SRI ASHOK RAI R/O VILLAGE-
KHAIRATIYA BALUA, P.S.- NAWALPUR, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Yogapatti Nawalpur P.S. Case No. 562 of 2021 for the offence
punishable under Section 201/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution story, in brief, is that the police has
lodged the present F.I.R. on the basis of information that the
petitioner along with other accused persons were found
possessed with arms while they were dancing in a Barat party.



The name of the accused persons have been disclosed by the villagers. The same were identified on the basis of the viral video. One accused namely Ranjit Kumar was apprehended.

Learned counsel appearing on behalf of the petitioner submits that the seizure list was prepared by the Sub-Inspector of Police on 24.12.2021 which does not disclose that any incriminating article or arms were recovered from the possession of the present petitioner or from any other co-accused. From column No.4 of the seizure list, it would appear that the prosecution has failed to divulge name of any person from whose possession the arms or clip of viral video and pen drive were recovered. Seizure list does not contain the name of any of the accused persons rather the same has been manufactured in the police custody due to enmity of the petitioner with one Rajan Rai against whom the petitioner had lodged Nawalpur P.S. Case No. 78 of 2020. No case under Arms Act is made out against the petitioner. Petitioner has been dragged in a false case. Petitioner is in custody since 24.12.2021 and as such deserves to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R.



as well as on perusal of the seizure list, it appears that the prosecution has, prima facie, failed to establish the allegation made in the F.I.R. as seizure list does not disclose the name of the accused persons from whose possession arms have been recovered on the basis of alleged video and pen drive. Prima facie, it appears to this Court that no case under Arms Act is made out. The petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah in connection with Yogapatti Nawalpur P.S. Case No. 562 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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