

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19485 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- BUXAR District- Buxar

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Rahul @ Rahul Kumar @ Banti Yadav Son Of Ravindra Yadav @ Ravindra Kumar Singh, Ward No.-7, R/O Village- Musafirganj, P.S.- Buxar (Town), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Buxar (Town) P.S. Case No. 147 of 2021 lodged under Sections 399, 402 and 120B of the Indian Penal Code read with Section 25(1-B)a, 26 and 35 of the Arms Act.

As per the allegation made in the F.I.R., the petitioner is already in Katihar jail but on his instigation, the other co-accused persons used to commit offences for which the present F.I.R. has been lodged.

Learned counsel for the petitioner submits that from the F.I.R., itself it transpires that on the date of alleged occurrence the petitioner was already in custody and kept in

Katihar jail, whereas the present case relates to Buxar police station which is far away from the Katihar. He further submits that no offence under Arms Act or 120B used to take place as there is no meeting of mind, not any preparation could be made due to the reason that the present petitioner is already in judicial custody prior to filing of the present F.I.R. He further submits that it is true that there are in total 10 cases pending against the present petitioner. Learned counsel for the petitioner further submits that petitioner is a law abiding person and therefore, he seeks bail in all pending cases against him. He further submits that so far as the present case is concerned, no offence is made out at all, his name has figured in this case on the confessional statement of the co-accused. He further submits that in the present case police has remanded him from Katihar jail and showing his custody since 18.01.2022. Learned counsel for the petitioner further submits on the point of his criminal antecedent that he shall not involved in any criminal cases in future and ready to support in investigation as well as in trial. He is also ready to file an affidavit before the lower court that he shall appear physically on every date fixed before the trial court. He further submits that co-accused against whose confessional statement his name was figured in this case has already been

granted bail by the Co-ordinate Bench of this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 45312 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 147 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner shall file an affidavit before the Trial Court that he shall appear before the Trial Court on each and every date, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond.

With this conditions, the bail application is allowed.

(Dr. Anshuman, J.)

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