

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31496 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAVI KUMAR Son of Ashok Sah Resident of Village - Rasakripur, P.S. -
Kanti, District - Muzaffarpur.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ravi Ranjan, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 04-01-2022 The applicant/accused in Crime No.49 of 2021 registered with Police Station-Saraiya for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as under Sections 25(1-b)a, 26, 35 of the Arms Act, by this application is seeking his release on bail after filing of the charge-sheet.

Heard learned counsel appearing for the applicant/accused. He submits that the applicant is having no criminal antecedents and after completion of investigation, there is no propriety of his further pretrial detention.

Learned A.P.P. opposed the application by contending that the applicant was apprehended with a country made pistol and a live cartridge with a weapon which could have been used in commission of the dacoity.

I have considered the submissions so advanced and also



perused the materials placed before me.

The F.I.R. came to be lodged by Police Officer Lalan Kumar Jha. When the first informant along with his colleagues were checking the vehicles, they apprehended a tempo in which 5 persons were travelling. Two managed to escape whereas the applicant and two others came to be apprehended. The applicant was found to be armed with a country made pistol loaded with a bullet. The tempo was having a big iron cutter.

The investigation of the crime in question is over. Reportedly the applicant is not having any criminal antecedents. He is behind the bars from 14.01.2021. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.49 of 2021 registered with Police Station-Saraiya for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as under Sections 25(1-b)a, 26, 35 of the Arms Act, be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise



or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

P.S./-

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