

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31911 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- KOILWAR District- Bhojpur

RAKESH RAI @ RAKESH RAJ @ RAKESH RAI Son of Baliram Rai  
Resident of Village - Piparahiya Police Station Ara (Muffasil), District -  
Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarv Deo Singh  
Mr. Anil Kumar Roy  
For the Opposite Party/s : Mr. Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

4      10-03-2022                      Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with  
Koilarwar Police Station Case No. 09 of 2021, registered for the  
offence punishable under Sections 384/386/307/427/34 of the  
Indian Penal Code and Sections 25(1-b)a/26/27/35 of the Arms  
Act.

The prosecution case, as per the First Information  
Report, is that the police, on the basis of secret information that  
two groups were fighting for their supremacy in the locality for  
illegal sand mining, arrived at the place of occurrence and on  
seeing the police party, some of the accused persons fled away  
after throwing their fire arms, however, the petitioner was



arrested by the police along with one loaded country-made rifle.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as he runs a tea-stall near the place of occurrence and the rifle, in question, has not been recovered from his conscious possession and from perusal of the seizure list, it would be evident that the rifle has been recovered from near the sone diyara. He further submits that at the time of seizure of the alleged loaded rifle from the possession of the petitioner, the signature of the petitioner was not taken on the seizure list and the procedure prescribed for seizure under the provisions of the Code of Criminal Procedure, 1973 has not been followed. He further submits that the petitioner is in custody since 10.01.2021 and charge sheet has been submitted against him and as such there is no likelihood of the petitioner being abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 10.01.2021 and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Koilwar Police Station Case No. 09 of 2021.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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