

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26581 of 2022

Arising Out of PS. Case No.-371 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

RAKTU RAI S/o Late Vidhya Ray R/o village- Chhota Telpa, Gandhi Chauk,
P.S.- Chapra Town, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rakesh Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Chapra Muffasil P. S. Case No. 371 of 2021 registered for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, they received an information that three persons on a motorcycle variously armed,



indulged in looting passer-by, however out of three persons, one person was apprehended by the villagers. In course of interrogation he disclosed his name as Raktu Rai (the petitioner) and he disclosed the name of other associates. On search one country-made pistol and three live cartridges were recovered from his possession.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the petitioner was apprehended by the villagers and thereafter, he was handed over to the police and as such, no case is made out under Section 25(1-b)a of the Indian Penal Code. It is next submitted that in fact, on account of some disputes with the villagers, the petitioner was apprehended by the villagers and they handed over him to the police showing the recovery of arms, only because of his past criminal antecedent. It is further submitted that the petitioner is in custody since 09.08.2021 and moreover, the investigation of the crime is completed.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is found involved in 11 other criminal cases. In response to the aforesaid submissions, learned counsel for the petitioner submits that the



petitioner is on bail in all the cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was apprehended by the villagers and thereafter, he was handed over to the police along with the recovered arms, apart from the period of custody since 09.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IX Class, Saran at Chapra in connection with Chapra Muffasil P. S. Case No. 371 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will ensure his attendance before the local police station in the first week of the every month till one year of his release.
- (ii) The petitioner will cooperate in conclusion of the trial.
- (iii) He will remain present on each and every date of trial till disposal of the case.
- (iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (vi) 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 cancelling 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.

(Harish Kumar, J)

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