

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28871 of 2022

Arising Out of PS. Case No.-196 Year-2020 Thana- PATEPUR District- Vaishali

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NARESH RAI Son of Devendra Rai Resident of Village - Mangrahi, P.S.-
Mahua, Distt.- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-06-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Patepur Police Station Case No. 196 of 2020, registered for the
offences punishable under Sections 399/402/414 of the Indian
Penal Code and Sections 25 (1-B) (a)/26/35 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was dismissed as withdrawn, vide order, dated
24.01.2022, passed in Criminal Misc. No. 39916 of 2021, giving
liberty to the petitioner to renew his prayer for bail after three
months from the date of the order.

The prosecution case, as per the First Information
Report, is that one loaded country-made pistol along with one



live cartridge was recovered from the possession of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 24.01.2022. He further submits that the petitioner has falsely been implicated in this case with oblique motive by the police and at the time of search and seizure, the procedure prescribed under the provision of the Code of Criminal Procedure, 1973, has not been followed. He further submits that the petitioner is in custody since 16.09.2020 and charge sheet has already been submitted and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having regards to the submissions advanced on behalf of the parties and taking into consideration the fact that this is second attempt on behalf of the petitioner for grant of regular bail, the petitioner is in custody since 16.09.2020 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 bonds of Rs. 20,000/- (twenty thousand)



with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Patepur Police Station Case No. 196 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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