

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39857 of 2021**

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

Md. Gulab, Son of Shah Mohammad, Resident of Village- Barmatpur, P.S.-
Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bhavesh Kumar, Advocate

For the Opposite Party : Mr.Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-02-2022 Heard learned counsel for the petitioner and Mr.
Aditya Narayan Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Saraiya P.S. Case No. 49 of 2021 registered for the offences punishable under Section 399/402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act. He is in custody since 13.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was on patrolling duty on 13.01.2021 along with other police personnel and were engaged in vehicle checking, he saw a tempo which was crossing from there and on seeing the police party the driver turned the vehicle towards east and and accused persons tried to escape but three persons including the petitioner



were arrested by the police with Tempo. The informant further alleged that from possession of co-accused Ajay Kumar a country made pistol was recovered with one cartridge.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner was merely driving the vehicle in which co-accused Ajay Kumar was traveling from whose possession a country made pistol was recovered. Learned counsel further submits that petitioner was arrested on allegation that he had not stopped the vehicle. The co-accused Ajay Kumar has already been granted bail by a learned coordinate Bench of this court in Cr. Misc. No. 36361/2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that so far as this petitioner is concerned, no arms or ammunitions were recovered from his possession, he was merely driving the vehicle in which co-accused Ajay Kumar was traveling and from his possession a country made pistol was recovered, the petitioner was arrested on allegation that he had not stopped the vehicle, the co-accused Ajay Kumar has already been granted bail by a learned coordinate Bench of this court in Cr. Misc. No. 36361/2021, the



petitioner is not having criminal antecedent and has remained in custody in connection with this case for over one year, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 4th (West), Muzaffarpur in connection with Saraiya P.S. Case No. 49 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 cancellation 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

