

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45684 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- SONEPUR District- Saran

ANAND KUMAR, S/o Sunil Prasad @ Sunil Kumar, Resident of Village-
Paharichak Parvezabad, P.S.- Sonapur, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner is granted two weeks' time to remove all the defects.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sonapur P.S. Case No. 80 of 2021 registered for the offences punishable under Section 401, 413, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 26.03.2021. Petitioner has got two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, on 17.02.2021 while the informant got secret information that a gang of thieves have assembled near Dudhaila Math with arms and ammunitions and are making plan to commit theft as also they are in the business of selling of smack, thereafter he along with police party reached there and raided the place, on seeing the police party



the accused persons tried to escape but one of them was apprehended and disclosed his name as Anand Kumar (the petitioner). He also disclosed the names of his associates. On search of the petitioner, 120 mg. Smack like substance, a loaded country made pistol, Bhujali and knife were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating article has been recovered from possession of the petitioner. Learned counsel submits that from possession of the petitioner a country made loaded pistol, Bhujali and knife were recovered, but prior to the present case, the petitioner had one criminal antecedent in which he was on bail.

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

Having regard to the submissions that on arrest of the petitioner with the country made loaded pistol, a Bhujali and one knife and a mobile phone as also 120 milligram of smack two separate F.I.Rs. were lodged, in the present case the allegation is that from possession of the petitioner the country made loaded pistol, Bhujali and knife were recovered, but prior to the present case the petitioner had one criminal antecedent in which he was on bail, in the present case the petitioner was



though arrested on 17.02.2021 but his remand has been shown in this case w.e.f. 26.03.2021, eventually the petitioner has remained in custody for more than a year, investigation against him is complete and his presence may be secured in course of trial, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 80 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'.

