

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47032 of 2021

Arising Out of PS. Case No.-655 Year-2020 Thana- PATRAKARNAGAR District- Patna

BANTI KUMAR @ ROHIT KUMAR S/O LALU SINGH @ RAMESH
SINGH R/o village- Raghapur, P.S.- Jurawanpur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-02-2022 The matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks from
the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Patrakar Nagar
P.S. Case No. 655 of 2020 registered under Sections 399 and 402
of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the
Arms Act.

Since 16.10.2020, the petitioner is stated to be in
custody.



The learned counsel for the petitioner has submitted that upon his false implication in the instant case, he has also been made accused in Bakhtiyarpur P.S. Case No. 52/2019, Bakhtiyarpur P.S. Case No. 169/2019 and Khusrupur P.S. Case No. 127/2019. The submission is that prior to the petitioner's implication in the instant case he had no antecedents.

The prosecution case is that four persons were apprehended on three motor-cycles from whom there is recovery of some arms and ammunition. They have named three other persons including the petitioner. Later, the petitioner has been apprehended from the car along with two other co-accused Ranjeet Kumar and Chandan Kumar and from the petitioner's possession there is recovery of a pistol and 6 cartridges.

The submission is that it is a case of false implication and at best there is recovery without allegation of any further commission of any offence for which the petitioner is now remained in custody for more than a year. The submission is that co-accused Ranjeet Kumar who was also apprehended along with the petitioner has since been enlarged on bail.

Learned APP has opposed the prayer for bail. He has submitted that the petitioner is stated to be one of the conspirators planning the commission of a murder.



Considering the rival submissions and since the investigation is already complete, this Court is inclined to allow the petitioner the benefit of bail having regard to similar relief being granted to co-conspirator, namely, Ranjeet Kumar. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Judge-VIII-cum-A.C.J.M., Patna in Patrakar Nagar P.S. Case No. 655 of 2020 , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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