

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47450 of 2021

Arising Out of PS. Case No.-502 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Ravi Kumar, Male, aged about 18 years, Son of Upendra Singh Resident of village - Tangaul, P.S. Town Hajipur, Dist. - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand, Adv.

For the Opposite Party : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 The matter has been listed today for consideration through Video Conferencing.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Sadar PS Case No. 502 of 2021, instituted for the offence under Sections 399,402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

The police have arrived at the place from where the petitioner along with three other co-accused persons have been



apprehended as it is alleged that they were trying to commit a big loot. From the petitioner, there is recovery of one TVS victor motorcycle without number plate and illegible engine and chassis number. From the other co-accused there is recovery of other articles, including some arms and ammunition.

It is submitted that he has falsely been implicated in the instant case by his enemies (co-accused). The petitioner has no criminal antecedents and he has now been in custody since 27-05-2021. Admittedly, there is no recovery of arms and ammunition from the petitioner. Even as per prosecution case, the recovery of motorcycle is denied and disputed and submitted that the same is not in accordance with the procedure for search and seizure prescribed under the Cr. P. C.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, petitioner's period of custody and the fact that the petitioner has no criminal antecedents and there is no recovery of arms and ammunition from his possession even as per the prosecution case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named,



be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Vaishali at Hajipur, in connection with Sadar P.S. Case No. 502 of 2021, 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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