

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 48105 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- BHAGWAN BAZAR District- Saran

BABLU YADAV @ PAMPI RAI @ PAPPY RAI S/o- MOGAL RAI Resident
of Village- Chhota Brahmapur, Satgharwa, P.S.- Bhagwan Bazar, District-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr Nagendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Bhagwan Bazar Police
Station (for brevity, *PS*) Case No 142 of 2021 dated 08.03.2021
instituted for the offence punishable under Section 414 of Indian
Penal Code and Sections 25 (1-b) a, 12 (a), 35 of Arms Act.

The motorcycle was driven by co-accused Guddu
Kumar. Petitioner was the pillion rider. They have been
apprehended by the police leading to recovery of one country
made loaded pistol and three live cartridges from the petitioner.

Learned counsel for the petitioner submits that even
the motorcycle which, as per prosecution case was driven by co-



accused Guddu Kumar, has been shown as being recovered from the petitioner. It is submitted that the said stolen motorcycle was recovered from co-accused Guddu Kumar. From the petitioner, there is no recovery. The alleged recovery of arms and ammunitions is also based on extraneous considerations and in contravention of the mandatory procedure under Section 100 of Criminal Procedure Code. 4, out of the 5 antecedents of the petitioner, are at the instance of one family with whom there is inimical term and the petitioner has now remained in custody since 09.03.2021 in this case. The investigation is complete in the instant case.

The learned APP has opposed the prayer for bail. He has submitted that there is recovery of stolen motorcycle and arms from the petitioner's possession.

The Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail to the extent that though the prosecution alleges that the petitioner was a pillion rider, recovery of all the incriminating articles, including the motorcycle, has been attributed to the petitioner. The antecedents are mostly at the instance of one family and investigation is complete in the instant case.

Having regard to the aforesaid facts and period of



custody, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Saran at Chapra in Bhagwan Bazar PS Case No 142 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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