

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41650 of 2022

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

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NAGA RAI @ NANDLAL RAI S/O RAMPANNI RAI Resident of Village-
Nazarmira, Semar Tal, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Sonapur P.S. Case No. 80 of 2021 registered for the offences
punishable under Sections 401, 413, 414/34 of the Indian Penal
Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, informant being S.H.O. of
Sonapur police station got information that a gang of thieves
armed with arms and ammunition assembled near *Dudhaila*
Math and they are trying to steal. It is alleged that some of the
persons started fleeing away having seen the police team but
one of them was apprehended. Upon interrogation apprehended



person disclosed his name as Anand Kumar and also disclosed the name of absconded persons including the petitioner. It is further disclosed by him that petitioner is master mind of the gang. It is further alleged that 120 mg smack, one country made loaded pistol, one *bhujali*, small knife and mobile set have been recovered from the possession of co-accused Anand Kumar.

Learned counsel for the petitioner submits that petitioner is in custody since 25.06.2021 and bears criminal antecedent of five cases in which in two cases his name has been surfaced upon the confessional statement of co-accused. He further submits that petitioner is neither apprehended on the spot in the present case nor any incriminating article has been recovered from his possession. There is no compliance of Section 100(4) of the Cr.P.C. It is further submitted that prior to the present case there were only three cases against the petitioner but in none of these three cases petitioner was arrested on the spot or any material was recovered from his conscious possession. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Sonapur P.S. Case No. 80 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the



time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions enumerated above, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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