

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43044 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- PATEPUR District- Vaishali

Arbind Rai @ Arvind Ray Son of Ramchandra Ray R/O Village - Sugga
Pakar, Ward No.- 2, P.S.- Musrighrari, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Patepur P.S. Case No. 179 of 2021 registered for the offences
punishable under Sections 399 and 402 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly, the accused persons including the
petitioner being ten to eleven in number were planning to
commit the offence of loot and then the police party after getting
an information of the said planning raided the place where the
accused persons had assembled and the petitioner and co-



accused persons were apprehended and from the possession of some of the accused persons fire-arms with live cartridges, a motorcycle and a car were recovered.

The main submissions advanced by the learned counsel Mr. Ravish Mishra for the petitioner are that as per the prosecution, the petitioner was apprehended at the spot along with co-accused persons but from the possession of petitioner any incriminating material or any fire-arm was not recovered and he has been made accused mainly on the basis of suspicion and he has been languishing in jail since 25.08.2021. Further submission is that against the petitioner the investigation has been completed and several similarly situated co-accused persons Chetan Anand, Abdul Gaffar and Raju Kumar have been granted bail by co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos. 4238 of 2022, 72271 of 2021 and 617 of 2022 respectively and amongst the said co-accused persons one was alleged to have been found with fire-arms when the police apprehended him along with co-accused persons.

Learned APP Mr. Tapeswar Sharma appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering



the petitioner’s clean antecedent and his custody period and also the fact that at the time of arrest no any fire-arm or any other incriminating material was recovered from his possession and as per above submission some similarly situated co-accused persons are on bail granted by different benches of this Court, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Patepur P.S. Case No. 179 of 2021.

(Shailendra Singh, J.)

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