

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55930 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- DESARI District- Vaishali

Akhilesh Rai @ Golu @ Goliya Son Of - Nagina Rai @ Nagendra Rai
Resident Of Village- Tara Dhamaun, P.S.- Patori, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Desari (Shadai O.P.) P.S. Case No. 21 of 2020 registered for the offences punishable under Sections 399/402 of the Indian Penal Code, Section 25(1-b)a/26/35 of the Arms Act and Section 8/20b(ii)(B)/22/29 of the Narcotic Drugs and Psychotropic Substances Act. He is in custody since 18.05.2020. The petitioner has got one criminal antecedent as stated in paragraph '3' in which he is said to be on bail.

Learned counsel for the petitioner submits that the informant got a secret information that some miscreants



gathered near pole factory to commit some crime. On this information, the informant along with other police officials reached there and on seeing the police party accused persons started fleeing away out of whom two were got apprehended by the police and three accused persons managed to escape. The apprehended accused persons disclosed their names as Amit Thakur and Rohit Kumar. On search, one loaded country-made pistol with one live cartridge was recovered from possession of Amit Kumar and from possession of Rohit Kumar, one country-made katta with 0.315 bore live cartridge and about 5 kg *ganja* were recovered from the backpack. Thereafter, they disclosed the names of the accused persons who managed to escape as Kunal Kumar, Golu (this petitioner) and Gautam Kumar.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the co-accused from whose possession *ganja* and arms were recovered have already been granted bail by learned Co-ordinate Benches of this Court. The petitioner has remained in custody since 18.05.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner



has been taken on remand in the present case from Mahnar P.S. Case No. 51 of 2020 in which the petitioner has already been granted bail and further submission that co-accused namely Amit Thakur, Rohit Kumar and Gautam Kumar have been granted bail by learned Co-ordinate Benches of this Court in the present case and as per the allegation, the recovery of *ganja* was made from their possession, so far as this petitioner is concerned, it is alleged that his name has transpired in the statement of the apprehended co-accused and nothing more, the petitioner has already remained in custody since 18.05.2020, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur in connection with Desari (Shadai O.P.) P.S. Case No. 21 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

