

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47456 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Raghav Prasad Gupta @ Raghav Gupta @ Baidya Jee S/O Mr. Harivansh
Gupta Resident of village- Kochaikot, P.S.- Kuchaikot, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kuchaikot P.S. Case No. 46 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)/26 of the Arms Act. He is in custody since 04.02.2022. The petitioner has got three criminal antecedents.

As per the prosecution story, the informant has alleged that while he alongwith other police personnel were engaged in checking the vehicle on 03.02.2022 at NH-27 (Sasamusa to Gopalganj road), two persons on one motorcycle



were came coming from Gopalganj side, they were asked to stop but they tried to escape and they were apprehended by police force. They disclosed their name as Akshay Yadav and Raghav Gupta @ Baidyaji. In course of search, a country made pistol with five live cartridges and mobile was recovered from the possession of Akshay Yadav. On enquiry about the motorcycle he disclosed that pillion rider Raghav Gupta @ Baidyaji has given for killing of Rajesh Pandey, Advocate of Kuchaikot. From possession of Raghav Gupta a small mobile was recovered. Raghav Gupta disclosed that over the land dispute he got Rajesh Pandey killed through Akshay and his associates.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that no arm or ammunition has been found from possession of this petitioner, however he is in custody in connection with this case since 04.02.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that no arms or ammunition has been found



from possession of the petitioner and he is in custody since 04.02.2022, this Court directs that the petitioner above named be released on bail on furnishing 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 Chief Judicial Magistrate-VII, Gopalganj in connection with Kuchaikot P.S. Case No. 46 of 2022, 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

Rajeev Ranjan Prasad, J)

vats/-

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

