

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.56903 of 2021**

Arising Out of PS. Case No.-509 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Rinki Khan S/O Sarfraz Ali Siddiqui @ Sarfraz Khan R/O Village- Anjanpir,
P.S.- Hajipur Town, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

2 15-04-2022 Learned counsel for the petitioner undertakes to remove all the defects 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. Navin Kumar Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 509 of 2020 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act. He has got four criminal antecedents but in all the cases he is said to be on bail. He is in custody since 26.06.2021.

As per the prosecution story, the police got secret information that five notorious chain snatchers were planning to



commit robbery on a flyover on two TVS motorcycles. When the police party reached there, they saw 5 miscreants standing there, they tried to run away but on chase two of them were arrested. It is alleged that the apprehended accused disclosed the name of co-accused Vivek Ram, Sandip Kumar and this petitioner. On that basis, when a raid was conducted in the house of the petitioner and the co-accused Vivek Ram in a lodge of Satyendra Singh, a sum of Rs.1,28,000/-, three chains, Aadhar cards of Pankaj Kumar and Rahul Kumar and Registration certificate of a vehicle in the name of Ravi Pratap Rathore were found. Later on, the police of industrial area police station also recovered the country-made pistol and four live cartridges. The wife of this petitioner and wife of co-accused Vivek Ram were arrested from the room.

Learned counsel for the petitioner submits that on perusal of the seizure list, it would appear that the recoveries have been shown from joint possession, however, there is no material to suggest that the petitioner and the co-accused both were residing in the same room and the alleged seized materials were recovered from conscious possession of this petitioner.

It is further submitted that in any case, the petitioner has remained in custody for a substantial period since



26.06.2021, investigation against him is complete but the trial is not likely to take place in near future and his presence may be secured in course of trial.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has got 4 criminal antecedents and there is also some recovery from the room in which the petitioner's wife was allegedly present.

Having regard to the submissions noted hereinabove and upon noticing that in connection with the present case the petitioner has remained in custody for almost 10 months, investigation against him is complete and his presence may be secured in course of trial, this Court directs released 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 509 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 step 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.

And further condition that taking note of the four criminal antecedents of the petitioner, the petitioner would be required to mark his attendance once in every two months before the S.H.O. of Hajipur Industrial Area police station in the District of Vaishali and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Hajipur Industrial Area police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.

Let a copy of this order be communicated to the Superintendent of Police, Vaishali for necessary instruction.

(Rajeev Ranjan Prasad, J)

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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'.

