

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48913 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- MADHAURAH District- Saran

=====

AJIT KUMAR RAUT @ AJIT KR.RAUT @ AMIT @ AJIT, S/O PASPATI RAUT, Resident of village- Babu ke Asoiya, P.S.- Marhowrah District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Ms.Rajani Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      09-12-2022                      Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

3.            The petitioner seeks bail in connection with Madhowrah P.S. Case No.128 of 2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

4.            On receiving information regarding assembly of some antisocial elements for the purpose of planning and committing dacoity, the Police has raided the house of co-accused Tinku Sharma, where it is alleged that several persons including the petitioner have started fleeing



away. The petitioner has been apprehended and it is alleged that from his possession a loaded country made pistol, four live cartridges and mobile phone have been recovered.

5. As per learned counsel for the petitioner, there is complete denial of the allegation and recoveries from the petitioner. It is submitted that it is a case of false implication and that the petitioner having no antecedents has now remained in custody since 28.02.2022. The submission is that recovery is not in accordance with the mandatory provisions for seizure.

6. Learned APP has opposed the prayer for bail.

7. Considering the rival submissions, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, 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 learned A.D.J. 8th, Saran at Chapra, in connection with Madhowrah P.S. Case No.128 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change



in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**10.** This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

shashank/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

