

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62510 of 2021**

Arising Out of PS. Case No.-173 Year-2021 Thana- JAYNAGAR District- Madhubani

SRI NATH KUMAR RAI @ SRI NATH KUMAR ROY @ SRI NATH
KUMAR RAY S/o BHAGWANTI ROY R/o VILLAGE-SAURATH, P.S-
RAHIKA, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Prakash, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 15.06.2021, seeks
regular bail in connection with Jainagar P.S. Case No. 173 of
2021 registered for offences punishable under Sections 25(1-B)
(A), 26 of the Arms Act.

Prosecution case, in brief, is that on 15.06.2021 at
about 10:00 a.m., informant, who is S.I. in Jaynagar Police
station, along with other police personnel proceeded for
patrolling and during patrolling, two persons came but seeing
the police force checking the vehicle they started fleeing. On



suspicion, they were chased and apprehended and they disclosed their name as Srinath Kumar Rai and Sani Dev Das. Upon search, one loaded country-made katta was recovered from the possession of Srinath Kumar Rai (petitioner) and a country-made pistol and empty magazine were recovered from the possession of co-accused Sani Dev Das. Seizure list was prepared and was signed by the independent witnesses and then copy of it was given to the accused.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been implicated in the present case due to village politics. Nothing has been recovered from the possession of the petitioner and petitioner has been forced to sign the seizure list in the police custody. He further submits that none of the witnesses named in the seizure list are independent witnesses. Petitioner is aged about 19 years and earns his livelihood as a daily wages labourer.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that there is direct allegation against the petitioner that a loaded country made pistol has been recovered from his possession as such the petitioner does not deserve to be enlarged on bail.

Considering the abovementioned facts and



circumstances of the case, period of custody of the petitioner, charge sheet has already been submitted, petitioner is aged about 19 years and earns his livelihood as a daily wages labourer, there is no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Madhubani in connection with Jainagar P.S. Case No. 173 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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