

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63410 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- NAUBATPUR District- Patna

Ranjan Kumar S/o Aditya Kumar Singh @ Aditya Singh @ Aditya Narayan
@ Aditya Sharma R/o village- Abhranchak, P.O.- Amarpura, P.S.- Naubatpur,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Kumar, Advocate
Mr. Ayush Kumar, Advocate
For the Opposite Party : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present
application.

Mr. Yogesh Kumar, learned counsel for the petitioner
submitted that the defects are mainly because only e-filing of
the applications are permitted by the Court. He submitted that
the defects can be removed only after filing of hard copy is
permitted. He undertook that even if the application is heard and
disposed of on merit, in due course of time, when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the submissions made by the learned



counsel for the petitioner, with consent of the parties, the application has been taken up for hearing on merit.

In the present application preferred under Section 438 of the Code of Criminal Procedure, the petitioner has prayed for grant of pre-arrest bail in connection with Naubatpur P.S. Case No.148 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as Section 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submitted that the petitioner is neither named in the FIR nor any incriminating article was recovered from his possession or from his house. His name transpired in the confessional statement of co-accused Sunny Kumar @ Rohit Kumar. There is no eye witness who has seen the petitioner at the place of occurrence on the alleged date of occurrence nor any material available against him to substantiate the allegation that about 10-15 miscreants assembled at Naubatpur crossing and were planning to commit a crime and when the informant and other police personnel went on the spot for verification and necessary action, they started fleeing away and from the possession of one of the miscreants a countrymade pistol had fallen on the ground. He further contended that the petitioner is not at all concerned with the



alleged recovered countrymade pistol. The entire case against him is based on hypothetical presumption and assumption.

On the other hand, Mr. Aslam Ansari, learned Additional Public Prosecutor for the State submitted that due to timely arrival of the police, the accused persons could not succeed in their nefarious design.

Considering the material available on record, submissions advanced on behalf of the parties, the petitioner, who is said to be a man of clean antecedent and whose name transpired during investigation on confession of a co-accused, is directed to be released on bail in the event of his arrest or surrender before the court below on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, Danapur in Naubatpur P.S. Case No.148 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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