

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54318 of 2022

Arising Out of PS. Case No.-417 Year-2018 Thana- SARAIYA District- Muzaffarpur

Rajesh Rai @ Rajesh Kumar @ Rajesh Kumar Yadav, aged about 40 years (Male), Son of Pannalal Ray @ Kannalal Ray, R/O Village- Damodar Chhapra, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raju Kumar, Advocate

For the Opposite Party : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner seeks bail in connection with Saraiya P.S. Case No. 417/2018 registered for the offence under Sections 399, 402/34 of the I.P.C. and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on 17.09.2018 at about 21.30 hours, the police apprehended co-accused Rahul Kumar Yadav @ Kanti Yadav, Md. Anjar, Mukesh Kumar Ram and they disclosed the name of escaped miscreants as Anil



Kumar, Guddu Sahni, Rajesh Rai @ Rajesh Kumar @ Rajesh Kumar Yadav (petitioner) and on search, from possession of the co-accused Rahul Kumar Yadav @ Kanti Yadav, one loaded country made pistol with one live cartridge and two mobiles, from possession of co-accused Md. Anjar, one loaded country made pistol with one live cartridge and one Mobile and from possession of Mukesh Kumar Ram, one country made pistol with one live cartridge were recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.06.2022. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case on the disclosure made by co-accused who was arrested on the spot. There is no recovery of arms from possession of the petitioner. The petitioner has been made accused in the present case for oblique reason.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, West, Muzaffarpur, in connection with Saraiya P.S. Case No. 417/2018.

(Sudhir Singh, J)

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