

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.368 of 2022

Arising Out of PS. Case No.-407 Year-2021 Thana- PATRAKARNAGAR District- Patna

ADITYA SINGH, Son of Late Manoj Kumar Singh, Resident of House No. J/25, Vijay Nagar, Saketpuri, Road No. 05, P.S.- Patrakar Nagar, District- Patna (Bihar). Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patrakar Nagar P.S. Case No. 407 of 2021 registered for the offences punishable under Section 399/402 of the Indian Penal Code and Section 25(1-B)a/26 of the Arms Act. He is in custody since 31.07.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the Sub-Inspector of Police while was on evening patrolling duty got secret information regarding assemblage of some criminals on which



he reached at the given place with the Police force where on seeing the Police, some persons started escaping but on chase four persons were apprehended and one managed to escape. It is alleged that from the possession of the petitioner one country made loaded pistol was recovered. From other three persons, one loaded pistol from each have also been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that for recovery of one country made loaded pistol the petitioner is in custody in connection with this case since 31.07.2021 and one of the co-accused namely, Rahul Raj @ Mogren has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 70436 of 2021.

Mr. Bal Mukund Prasad Sinha, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the possession of the petitioner one loaded country made pistol and one live cartridge have been recovered and one of the co-accused namely, Rahul Raj @ Mogren has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 70436 of 2021, the petitioner has remained in custody in connection



with this case since 31.07.2021, he has otherwise no criminal antecedent and his presence may be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIIIth, Patna in connection with Patrakar Nagar P.S. Case No. 407 of 2021, 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 steps 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.

(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'.

