

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72240 of 2021**

Arising Out of PS. Case No.-281 Year-2020 Thana- MOTIPUR District- Muzaffarpur

RAHUL KUMAR Son of Birendra Ram Resident of Village - Morsandi, P.s.-
Motipur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Anjana, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-05-2022 Heard learned counsel for the petitioner and Mr.
Umanath Mishra, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Motipur P.S. Case No. 281 of 2020 registered for the offences punishable under Section 399/402 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms Act. He is in custody since 09.11.2020 having one criminal antecedent as stated in paragraph '3' of the application but in the said case he is not on bail as informed to this court.

Learned counsel for the petitioner submits that the case stated in paragraph '3' and the present case arise out of the same transactions but two separate cases have been registered against the petitioner. Learned counsel submits that so far as the present case is concerned, it is alleged that from his possession



one loaded pistol with live cartridge and a mobile set was recovered. Submission is that the petitioner has remained in jail for more than 1½ year in connection with this case, investigation against him is complete and in fact this case has been lodged against him on account of a land dispute.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in connection with Motipur P.S. Case No. 280/2020, on suspicion a raid was conducted in which the accused petitioner and the co-accused Ranjit Ram were apprehended with fire-arm.

Having regard to the submissions noted hereinabove and the fact that the petitioner has remained in custody in connection with this case for more than 1½ year and the investigation against him is complete as also that his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named 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 A.C.J.M. - 2nd, West Muzaffarpur in connection with Motipur P.S. Case No. 281 of 2020, 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 step 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.)

Rajeev/-

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ote: 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'.

