

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53154 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- BIHAR District- Nalanda

Ravi Kumar, aged about 25 years, Male, Son of Dinesh Paswan Resident of
Mohalla- Mohidpur (Mohiddinpur), P.S- Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

Learned counsel for the petitioner at the very outset points out that in the description of Sections made in paragraph no. 1, there is a typographical error. Section 399 due to an error of omission has been mentioned as 39 instead of 399.

It is also submitted that 'c' has been typed in the bracket after 25. In fact, it should be 25(1-b). Both these errors of inadvertence have been taken note of by this Court with reference to the First Information Report (for brevity 'F.I.R.').

Accordingly, this Court would hold that Section 39 be read as 399 and Section 25(c1-b) be read as 25(1-b) of the Arms Act, in paragraph no. 1.

The petitioner seeks bail in connection with S.Tr. No. 786/2021 arising out of Bihar P.S. Case No. 690/2021 registered for the offence punishable under Section 399, 402, 414 of the Indian Penal Code (for brevity 'I.P.C') and Section 25(1-b) a, 26, 35 of the Arms Act.

On receiving information regarding assembly of anti-social element for committing a crime, police party has reached the place



from where 6 (six) persons, including petitioner has been arrested. There is alleged recovery of a mobile phone, one loaded country made pistol and a live cartridges from the petitioner. He is stated to be in custody since 11.10.2021.

F.I.R. alleges that the petitioner has three antecedents. The petitioner has made a categorical statement in paragraph no. 3 that he has since been acquitted in two of these cases, namely, Noorsarai P.S. Case No. 349/21 and Rahui P.S. Case No. 57/2020.

The recovery is denied and disputed and it is submitted that it is not as per the prescribed procedure. Co-accused, namely, Rahul, Mohan & Sonu have already been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody, petitioner's claim based on parity, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Vth Additional and District & Sessions Judge, Nalanda at Bihar Sharif, in connection with S.Tr. No. 586/2021 arising out of Bihar P.S. Case No. 690/2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two



consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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