

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56393 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- KHAIRA District- Saran

Raktu Rai Son of Late Vidya Ray Resident of Village - Chotu Telpa, Gandhi Chowk, P.S.- Chapra Town, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, accused persons including the petitioner pointed weapons on the boy of one Monu Kumar and looted away mobile phone and cash of Rs. 3,000/- and threatened him with dire consequences. It is further stated that the petitioner was apprehended and on search, fire arms and cartridges were recovered from his possession.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner along with the co-accused persons were arrested along with the arms and looted articles and one motorcycle but it appears from the F.I.R. that the police has not filed any case against the petitioner under the Arms Act and there is no seizure list along with the F.I.R. to suggest that the arms has been recovered from the possession of the petitioner. He further submits that nothing has been recovered from the possession of the petitioner rather the police has planted the same and shown that the said recovery has been made from the possession of the petitioner. He further submits that in absence of the seizure list, the allegation against the petitioner is false. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and period of custody, 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 Court below where the case is pending in connection with Khaira P.S. Case No. 255 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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