

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66809 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Ramesh Kumar Son of Arjun Raut @ Sanjay Raut Resident of Village- Mogalpura, Tikiya Toli renter in the house of Dr. Jainarayan Prasad, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Prabhat Shrivastava, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Patna City Chowk P.S. Case No. 489 of 2021 registered for the offence under Sections 394 and 307 of the Indian Penal Code (for short 'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 01.12.2021.

The allegation against the petitioner is to cause fire arm injuries alongwith other co-accused persons, while committing robbery and while committing so taken away cash of



Rs. 5,00,000/- (Rupees Five Lac) belongs to the informant, while he was going to deposit the same with the bank.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, admittedly, apprehended on spot and while apprehended so, only 42 sachets of smack, total of 11.82 grams, was recovered from him, having no connections with present occurrence. It is submitted that no fire arm or looted cash was recovered from this petitioner, who alleged to be apprehended on spot. It is submitted that for recovery of alleged contraband i.e., smack a separate case bearing number Patna City Chowk P.S. No. 488 of 2021 was registered, where petitioner is on bail and save and except the sachets of smack, nothing was recovered from the possession of this petitioner, which may connect him with present set of occurrence. While concluding the argument, it has been submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner was apprehended on spot.

Considering the facts and circumstances as mentioned



above and by taking note of the fact, as no firearm/alleged looted money recovered from the possession of this petitioner, who was immediately apprehended on spot after occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patna City Chowk P.S. Case No. 489 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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