

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66581 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- BAHADURPUR District- Darbhanga

Md. Rehan Alam S/O Late Md. Attiullah Resident of village- Tejpurwa, P.S.-
Paitepur, District- Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 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 Sections 414, 399, 402/34 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms
Act.

According to prosecution case, three accused persons
were apprehended from whose possession, arms, cartridges,
knife etc. were recovered and during interrogation they
disclosed that they were assembled there to commit crime and
waiting a Scorpio Car which was to be looted by them.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that one iron knife and one mobile phone have been recovered from the possession of the petitioner and the arms have been recovered from the possession of the co-accused person, namely, Ravi Chauhan. He further submits that no case is made out under the Arms Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ravi Chauhan has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 2726 of 2022 and another co-accused person, namely, Neeraj Upadhyay @ Niraj has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 69188 of 2022. The petitioner is in custody since 17.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Bahadurpur P.S. Case No. 380 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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