

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55928 of 2024

Arising Out of PS. Case No.-309 Year-2021 Thana- RAJAPAKAR District- Vaishali

Ravi Kumar, Son of Bhola Ray, R/O Vill.- Sarmastpur, Bakarpur, P.S.-
Rajapakar, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner in the present case is seeking regular bail in connection with Rajapakar P.S. Case No. 309 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 01.04.2024. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 10.11.2021, when the informant while on patrolling duty reached at Rustampur Patrol Pump at about 02:00 hours, three persons on a motorcycle bearing Registration No. BR06E-8324 speedily came there who were indicated to stop but did not stop and caught on chase. It is further alleged that a loaded pistol and a Realme mobile were recovered from the possession of one

person. In the meantime, all the apprehended accused persons jumped the boundary wall of the patrol pump and fled away taking benefit of the darkness. In presence of two home guards, the seizure list of recovered pistol, mobile and motorcycle was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no recovery of pistol from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 01.04.2024.

5. Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

6. Having regard to the submission that in the FIR there is no specific allegation that the pistol was recovered from this petitioner and from the order of the learned Additional Sessions Judge which is impugned in this application also it would not appear that there is any recovery of pistol from the possession of the petitioner and all that is stated is that at para '2' of the case diary, seizure list is available against the petitioner in which he was found in possession of a mobile, in these circumstances, this Court directs that the petitioner above

named be released 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 Chief Judicial Magistrate, Vaishali in connection with Rajapakar P.S. Case No. 309 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

7. 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 steps 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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