

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47733 of 2017

Arising Out of PS.Case No. -123 Year- 2017 Thana -FATUHA District- PATNA

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1. Raj Kumar Yadav @ Ram Kumar Yadav, S/o Nagina Singh, Resident of
Village- Dost Mohammadpur, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Special Case
No. 58/17, arising out of Fatuha P.S. Case No. 123/17 for offences
punishable under Sections 20(ii)/ 22 (B) of the N.D.P.S. Act and
under Sections 411/412 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that on secret tip off that some criminals have
assembled, who have committed theft and are involved in sale,
purchase of ganja, four persons including the petitioner were
apprehended but one Ajay Kumar managed to flee away. On their
confessional statement their houses were raided and from the
house of the petitioner 485 gms of ganja was recovered. However,



no arms and ammunitions were recovered from the house of the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he is in custody in connection with Fatuha P.S. Case No. 121/17 and has been remanded in the present case since 06.06.2017 and since then he is languishing in custody. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that seizure-list has not been prepared in accordance with Section 100 of the Cr.P.C.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in three more cases under the Arms Act, although not under the N.D.P.S. Act.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Special Judge, Patna, in connection with Special Case No. 58/17, arising out of Fatuha P.S. Case No. 123/17, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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