

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44585 of 2016

Arising Out of PS.Case No. -273 Year- 2014 Thana -FATUHA District- PATNA

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1. Rajgir Kumar S/o - Bhullu Rai R/v - Jethuli, P.S. - Fatuha, Distt. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2017 Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under sections 399,402,414,420,467,468,471,353 and 307 of the IPC, sections 25(1-B) a, 26 and 27 of the Arms Act and sections 20 and 22 of the N.D.P.S. Act.

The petitioner is languishing in custody since 14.8.2014.

The prosecution case is that on information being received that 7-8 persons are planning to commit dacoity, the raid was carried out, leading to arrest of 11 persons and from different persons, Arms, Charas and Ganja were recovered. From the possession of the petitioner one country made pistol, five live



cartridge and ½ Kg. Charas were recovered.

It is submitted by learned counsel for the petitioner that recovery of Charas is between small and commercial quantity. Subsequent to the lodging of the present case, the petitioner has been remanded in four other cases, registered under section 395 of the IPC being Deedarganj P.S. Case No. 48 of 2014, Gaurichak P.S. Case No. 77 of 2014, Hajipur Industrial P.S. Case No. 31 of 2014 and Fatuha P.S. Case No. 153 of 2014. The petitioner is on bail in all the above cases except Fatuha P.S. Case No. 153 of 2014.

It is further submitted that the co-accused Raj Kumar Yadav, from whom a country made pistol, five cartridges and ½ Kg charas were recovered, being Juvenile, has been granted bail vide order dated 23.9.2015 by learned Juvenile Justice Board, Patna as contained in Annexure 3 series. Similarly, co-accused Baskit Kumar from whom one loaded pistol, five cartridges and 200 gm. of charas were recovered, has also been granted bail by learned Juvenile Justice Board, vide order dated 10.10.2015. Other co-accused have also been granted bail by different Benches of this Court.

It is further submitted by learned counsel for the petitioner that the trial has not been commenced and there is no



likelihood of trial being concluded in near future.

Learned counsel for the State submits that recovery is between small and commercial quantity and admits that the other cases lodged against the petitioner are not registered under the NDPS Act.

Considering the fact that recovery from the petitioner is between small and commercial quantity, while the other cases in which he is an accused are not registered under the NDPS Act and there is no likelihood of the trial being concluded in near future, let the petitioner above named be released on bail on furnishing bail bonds of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XI, Patna, in connection with Special Case No. 61 of 2014, arising out of Fatuha P.S. Case No. 273 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults, without there being cogent reason, on two consecutive occasions or if the petitioner gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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