

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54272 of 2017

Arising Out of PS.Case No. -109 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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1. Rahul Kumar Singh @ Rahul Kumar Son of Paras Singh, R/o Village-
Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.06.2017 in connection with Trial No. 09 of 2017, arising out of
Manjhagarh P.S. Case No. 109 of 2017 for offences punishable
under Sections 399, 402, 414 of the Indian Penal Code, Sections
25(1-b) a, 26, 35 of the Arms Act and Sections 20(ii)B of the
N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that on information that some miscreants are on NH-
28, the petitioner along with another co-accused Golu Mishra in a
motorcycle and three miscreants in two motorcycles were



apprehended. On search, the petitioner was found to be carrying one country-made pistol and one live cartridge while the pillion rider Golu Mishra had 2 kg ganja in his possession. Other miscreants had also some country-made pistols and live cartridges, who revealed the name of the persons who had fled away and also revealed that they were engaged in loot of motorcycles. Accordingly, a seizure-list was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, no contraband item has been recovered from his possession, hence, provisions of N.D.P.S. Act will not apply against him. He submits that even the seizure-list does not bear his signature, as such, provision of Section 100 Cr.P.C. has not been complied with. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was apprehended with arms and cartridge and does not bear a clean antecedent as one more case of similar nature is pending against him.

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, Gopalganj, in connection with Trial No. 09 of 2017, arising out of Manjhagarh P.S. Case No. 109 of 2017, 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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