

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83927 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- WARISNAGAR District- Samastipur

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RAUSHAN KUMAR SINGH @ SADHU Son of Late Ram Parvesh Singh

Resident of Village - Barayanpur, P.S. - Vikram, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vidhan Chandra Pathak, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 11 of 2018, dated 25.1.2018, registered at Police Station Warisnagar, under Sections 25(1-B)A/26/35 of the Arms Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is the case of the prosecution that at the instance of



one Amit Kumar @ Rajeev Ranjan, all together six country-made pistols and 13 live cartridges of 0.315 bore kept in a bush near Lakshi Chowk were recovered, which fact is disputed by the petitioner.

Learned counsel for the petitioner submits that the petitioner's name has surfaced merely on the basis of confession of a co-accused namely Rajeev Ranjan Kumar @ Amit Kuma @ Pappu @ Munna who has already been enlarged on bail by a co-ordinate Bench of this Court in Cr. Misc. No.72219 of 2018(Rajeev Ranjan Kumar @ Amit Kuma @ Pappu @ Munna Vs. The State of Bihar).

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 8.5.2018; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.



Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Shri Abhishek Kumar, Judicial Magistrate, 1st Class, Samastipur, in connection with Warisnagar P.S. Case No. 11 of 2018, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present



in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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