

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23103 of 2021

Arising Out of PS. Case No.-484 Year-2020 Thana- KESARIA District- East Champaran

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Digvijay Kumar @ Digbijay Kumar, aged about 22 years (M), Son of
Rajendra Prasad Yadav @ Rajendra Ray, Resident of Village Devpur Parsa,
P.S. Kalyanpur, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2021 Heard both sides through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act as well as under Sections 20 and 22 of the NDPS Act.

The informant received secret information that some miscreants have assembled in Primary School Ramgarhwa and they are making plan to commit dacoity. When the police reached at the spot, the miscreants started fleeing away but police



apprehended three miscreants including the petitioner and two miscreants fled away. From possession of the petitioner, one loaded country made pistol, cartridges and mobile were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation against the petitioner is that the police is said to have recovered one loaded country made pistol, four cartridges and mobile phone from conscious possession of the petitioner. 900 gms. of Charas besides one loaded country made pistol, cartridges and mobile phones were recovered from the conscious possession of Santosh Kumar. One mobile and one packet Charas weighing 450 gms. were recovered from conscious possession of Raushan Kumar. The petitioner is in custody since 05.12.2020 and petitioner has got two criminal antecedents as stated in para 3 of the bail petition.

Considering the fact aforesaid and the fact that no contraband article has been recovered from conscious possession of the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below/successor court where the case is pending in connection with Kesariya P.S. Case No.484 of 2020, giving rise to N.D.P.S. Case No.70 of 2020, subject to the



conditions:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the court, if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(4) That the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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