

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35902 of 2020

Arising Out of PS. Case No.-295 Year-2020 Thana- MAHUA District- Vaishali

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Rohit Kumar @ Kallu, aged about 20 years, male, Son of Rajeev Kumar @
Sri Rajeev Rai, Resident of Village - Bhadbas Shidhi Par, P.S. - Mahua,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 03-03-2021 Heard Mr. Shanti Bhushan Singh, learned counsel

for the petitioner and Mr. Arun Kumar Pandey, learned APP

for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 295 of 2020, dated 01.06.2020, instituted for
the offences under Sections 399 and 402 of the Indian Penal
Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and
Sections 20, 22, 23 and 27(A) of the Narcotic Drugs and



Psychotropic Substances Act, 1985.

The petitioner was found to be in possession of a country made pistol and a little over 3 kgs. of *Ganja*.

Learned counsel for the petitioner has submitted that he has been made accused in this case out of vendetta of local police and that also because of his earlier implication in the cases about which reference has been made in paragraph 3 of the bail application. In all the cases in which the petitioner was earlier made accused, he has been granted bail.

One of the accused persons of this case, *viz.*, Rohit Sahani @ Rohit Kumar has been granted bail by a Bench of this Court *vide* order dated 30.01.2021 passed in Cr. Misc. No. 33734 of 2020. The bail application of one of the accused persons, who was also an applicant in aforementioned Cr. Misc. No. 33734 of 2020, was rejected but with the observation that he could renew his prayer for bail if the trial is not concluded within a period of none months.

Learned counsel for the petitioner has submitted



that the intermediate quantity of *Ganja* has been recovered from his possession and he is in custody since 03.06.2020. It has further been submitted that only charges have been framed in this case, but no witness has been examined.

Regard being had to the facts afore-stated, the petitioner above-named is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 295 of 2020, subject to the following conditions:

(i) that one of the bailors shall be a close relative of the petitioner;

(ii) that the petitioner shall, at the time of furnishing his bonds, give his mobile telephone number as well as the mobile telephone numbers of both his bailors, which telephone numbers shall be kept in operative condition till the conclusion of the trial;

(iii) that the petitioner shall not leave the territorial confines of the Court which is trying the offence, without the



consent of the Trial Court, sought in advance; and

(iv) that the petitioner shall also get his presence marked before the Officer-in-Charge of the concerned police station on the first Monday of each month. The Officer-in-Charge of the concerned police station is directed not to detain the petitioner in the police station unnecessarily.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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