

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6791 of 2021

Arising Out of PS. Case No.-923 Year-2018 Thana- HAJIPUR District- Vaishali

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KRISHNA MOHAN KUMAR @ RUDAL RAI Son of Late Raj Kumar Ray
Resident of Village - Harauli, Ismailpur, P.S.- Hajipur Sadar in the District of
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Hajipur Town P.S. Case
no. 923/2018 registered under section 414 of the Indian Penal
Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and
sections 18, 20(B)(ii)(c) of the N.D.P.S. Act.

As per allegation in the first information report, on the
vehicle of the petitioner being stopped and searched a loaded
country-made pistol, one live cartridge as also 23 kg of ganja
was recovered from the car besides other articles/arms were
recovered from the possession of the co-accused.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his person or possession. He has been falsely implicated in the case because of his antecedents. He is in custody since 27.12.2018 and there is no chance of the trial concluding in the near future.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

A report with respect to the stage of the trial was called for from the learned court below. As per the report received no witness has been examined in the trial so far.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for over 2 years 7 months and no witness in the trial having been examined, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Hajipur Town P.S. Case no. 923/2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum-Special Judge, N.D.P.S. Act, Hajipur, Vaishali.

In the facts of the case it is directed that the petitioner



shall remain personally / physically present in the trial court on each date of the trial and in case of his absence on any single day for reasons not to be the satisfaction of the learned trial court or in case the learned trial court is of the opinion that the trial is being delayed due to the conduct of the petitioner, the learned trial court shall be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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