

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12360 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- BELA District- Sitamarhi

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Naveen Kumar, Son Of Bikramdeo Yadav R/O Village- Maina Tole, Ward
No.14, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bela
P.S. Case No. 216 of 2021, registered for the offences
punishable under Sections 414 of the I.P.C and 25(1-b)
a/26/35 of the Arms Act.

As per allegation, during vehicle checking at Tempo
Stand near Kanhwa Nepal border, three persons sitting on a
motorcycle, who were coming from Bela, started fleeing
away, after seeing the police. The petitioner was
apprehended on the spot and the other two accused persons
managed to flee away. It is also alleged that two bags,



containing Nepali currency, worth Rs. 36,100; Indian currency, worth Rs. 1500/-; ATM card; and some other articles were recovered from him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the search and seizure has not been made as per the rules as provided in the Cr.P.C. He further submits that nothing has been recovered from the conscious possession of the petitioner and only on the basis of suspicion, the police has arrested him, when he was on way to his house. He further submits that the petitioner has been languishing in custody since 19.11.2021, i.e., about nine months, whereas for the alleged offence, the maximum punishment is three years.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in two cases, namely, Darbhanga P.S Case No. 342



of 2021; and Bela P.S. Case No. 215 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (Sadar) Sitamarhi, in connection with Bela P.S. Case No. 216 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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