

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29702 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- AGAMKUAN District- Patna

KARAN KUMAR S/O VIJAY CHOUDHARY R/O SABARCHAK HAT,
DURGA MANDIR BALI GALI KE ANDAR, P.S MALSALAMI,
DISTRICT-PATNA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 41864 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- AGAMKUAN District- Patna

MANISH KUMAR S/O LALLU PRASAD YADAV @ LALU RAM R/O-
BHAISANI TOLA, BARI BAGICHA, P.S-MALSALAMI, DISTRICT-
PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29702 of 2021)

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

Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 41864 of 2021)

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

12 25-04-2022 Heard learned counsel appearing on behalf of
petitioners and learned A.P.P. for the State.

Both the aforesaid applications arise out of the Special
Case No. 121 of 2020, arising out of Agamkuan P.S. Case No.
539 of 2020 registered for the offence punishable under Sections
399, 400, 402, 414 and 120(B) of Indian Penal Code, Section
25(1-b)a, 26 and 35 of the Arms Act and Section 8/20(b) II(A)



(B) of the NDPS Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The prosecution story, in brief, is that Police got information that a gang of dacoits have assembled near Sonali Petrol Pump for committing dacoity. Thereafter, a raid was conducted and the six persons, including the petitioners, were apprehended. On search, 1.250 grams of Ganja and cash of Rs.16,000/- were recovered from the possession of Manish Kumar (Petitioner in Criminal Miscellaneous No. 41864 of 2021), one loaded country made pistol and 1.100 gram ganja recovered from the possession of Karan Kumar (Petitioner in Criminal Miscellaneous No. 29702 of 2020). Similarly, from the other co-accused altogether 4.35 grams of ganja recovered.

Learned counsel appearing on behalf of the petitioner submits that the so far as Manish Kumar (Petitioner in Criminal Miscellaneous No. 41864 of 2021) is concerned, 1.250 grams of Ganja and cash of Rs.16,000/- were recovered from his possession and one loaded country made pistol and 1.100 gram ganja recovered from the possession of Karan Kumar (Petitioner



in Criminal Miscellaneous No. 29702 of 2020), which is above the small quantity and much below the commercial quantity . The petitioners are in custody since 24.08.2020. There is no allegation of tampering the evidence or influencing the witnesses against the petitioners as such they deserve to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners and submits that Karan Kumar (Petitioner in Criminal Miscellaneous No. 29702 of 2020) has eight criminal antecedent and Manish Kumar (Petitioner in Criminal Miscellaneous No. 41864 of 2021) has five criminal antecedent and it would not be in public interest to release the petitioners on bail.

Having heard the rival submission of the parties taking into consideration the the total quantity of Marijuana and period of custody undergone by the petitioners, without going into the merits of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-IV, Patna in connection with Agamkuan P.S. Case No. 539 of 2020, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail applications, this order will automatically loose its force.

(6) The petitioners will make their attendance before the concerned Police Station under which their houses are located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioners, their bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his



**monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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