

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21901 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- KANTI District- Muzaffarpur

Rahul Kumar @ Rahul Kumar Sahni son of Sakal Sahni Resident of Village -
Shekh Dhanwat, Police Station- Saraiya (O.P. Jaitpur), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pramod Rajpati, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kanti (Panapur O.P.) P. S. Case No. 60 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police apprehended this petitioner and on search being made



one country-made pistol along with a cartridge and 180 ml. Illicit Macdowel No. 1 liquor and one motorcycle were recovered from his possession.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been implicated in this case only because of his past criminal antecedent and in fact, nothing has been recovered from the person or possession of this petitioner. It is further submitted that so far motorcycle is concerned, that belongs to one of his friends and furthermore, there is no independent witness to the seizure list, apart from other serious irregularities in preparation of the seizure list. It is also submitted that this petitioner is in custody since 27.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and he has been found involved in five other criminal cases. In response to the aforesaid submissions, learned counsel for the petitioner submits that as per the instruction of the family member of the petitioner, the petitioner is on bail in all the cases.

Having considered the submissions made on behalf



of the parties and taking into account the period of custody as also the fact that there are certain irregularities in preparation of the seizure list and moreover, after completion of the investigation, charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future and as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzaffarpur in connection with Kanti (Panapur O.P.) P. S. Case No. 60 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

