

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27075 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- KANTI District- Muzaffarpur

RAJA KUMAR @ RAJA YADAV Son of Nanhaki Ray Resident of Village -
Manikpur, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanti P.S. Case No. 99 of 2022 registered for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicle, two motorcycle were signaled to stop and three persons riding the first motorcycle and two persons riding the second motorcycle tried to run away after seeing the police. They were



apprehended and the petitioner is one of the apprehended persons and from his possession, a loaded country made pistol and one live cartridge were recovered. From the co-accused Mitthu, a loaded pistol and 1.08 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from the conscious possession of this petitioner. He was arrested merely on suspicion showing false recovery of country made pistol and the recovery of liquor has been made from the co-accused. Charge sheet has been submitted in this case and the petitioner is in custody since 16.02.2022. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the clean antecedent of the petitioner and also considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, II, Muzaffarpur



in connection with Kanti P.S. Case No. 99 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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