

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28377 of 2022

Arising Out of PS. Case No.-484 Year-2020 Thana- KESARIA District- East Champaran

Sajan Kumar @ Sajan Rai, Son of Lakhindra Ray @ Lakhindra Rai, Resident of Village- Bangra Madhopur Hajari @ Madhopur Hazari, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Yugal Kishore, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with NDPS Case No. 19 of 2021, arising out of Kesaria P.S. Case No. 484 of 2020, registered for the offences punishable under Sections 399, 402, 414 of Indian Penal Code, Sections 25(1-b), 26, 35 of the Arms Act and Sections 20 and 22 of Narcotic Drugs and Psychotropic Substances (NDPS) Act.

As per prosecution case, it is alleged that the informant on receipt of secret information that some miscreants



have assembled in Primary School, Ramgarhwa and they are making plan to commit dacoity, rushed to the spot, however, on noticing police force, the miscreants started fleeing away. It is further alleged that three miscreants were apprehended and from the possession of all the three persons total 1350 gram Charas, mobile phone and country made pistol were recovered. The apprehended persons disclosed the name of other associates including the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. He next submits that save and except the disclosure made by the apprehended person, there is no material and only because of the two past criminal antecedent, his name has been implicated in this case. He next submits that co-accused Digvijay Kumar, from whose possession one country made pistol has been recovered, has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 23103 of 2021 vide order dated 15.09.2021. He lastly submits that the petitioner is in custody since 19.06.2021 and, moreover, he is on bail in both the cases.

On the other hand, learned APP for the State opposes



the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that neither the petitioner was arrested at the spot nor any incriminating material has been recovered and co-accused person, who was apprehended at the spot with arms, has already been granted bail by the learned co-ordinate Bench of this Court, let the petitioner, named above, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesaria P.S. Case No. 484 of 2020 (NDPS Case No. 19 of 2021) 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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