

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38710 of 2021

Arising Out of PS. Case No.-78 Year-2018 Thana- KHUSRUPUR District- Patna

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Pramod Kumar @ Pramod Yadav, Son of Ramakant Yadav @ Sadhu Yadav @
Ramakant Singh R/O - Manjhauli Dih, P.S. - Salimpur, Distt.- Patna.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Indu Kumari Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 17.09.2020 seeks
bail in connection with Khusrupur P.S. Case No.78/2018 (Spl.
Case No.174/2018) registered for the offence punishable under
Section 399/402/414 of the IPC as well as Section 25(1-
b)a/26/35 of Arms Act and Section 20/22 of N.D.P.S. Act.

Prosecution case in brief, is that in the midnight while
petitioner and others had assembled on a four-lane road to make



preparation for committing dacoity, the other persons managed to escape, while the persons who was apprehended one country made katta, two live cartridges, one gold chain and looted mobile were recovered along with 500 gm of charas. Petitioner's name has been taken by the co-accused, Md. Sameer.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from his conscious possession and due to enmity the co-accused has taken his name in his confessional statement. He further submits that other co-accused namely Bhola Yadav has already been released on bail vide order dated 15.03.2019 passed in Cr. Misc. No.1111/2019, Faggu Yadav vide order dated 15.04.2019 passed in Cr. Misc. No.14220/2019, Md. Sameer vide order dated 27.11.2019 passed in Cr. Misc. No.76737/2019. He also made alternative prayer that so far as the recovery of charas is concerned that is small quantity and the same has been recovered from the conscious possession of the petitioner and there is no compliance of section 42 and 50 of NDPS Act in the present case.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner and submits that petitioner is named in the FIR, however, not apprehended along



with other co-accused.

Considering the above-mentioned facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J., IInd, Patna in connection with Khusrupur P.S. Case No.78/2018 (Spl. Case No.174/2018), subject to the following conditions:

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

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

(3) If the petitioner tampers 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.

(Purnendu Singh, J)

Prakash Narayan /-

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