

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29343 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- KANTI District- Muzaffarpur

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RAMAN KUMAR SON OF NANDLAL SAH R/O- VILL-DAMODARPUR,
P.S.- KANTI, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30823 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- KANTI District- Muzaffarpur

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MD. NAUSHAD @ MD. NAUSHAD ALAM Son of Khus Mohammad
Resident of Village - Damodarpur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29343 of 2022)

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

(In CRIMINAL MISCELLANEOUS No. 30823 of 2022)

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions have been heard together as they arise

out of the same police station case number and are being disposed of

by this common order.

Heard learned counsel for the petitioners and the State.



Petitioners seek regular bail in a case registered for the offences punishable under Sections 399, 400, 402, 411, 414, 467, 468 of the Indian Penal Code and sections 25(i-b)a, 26, 35 of Arms Act.

As per prosecution story, police got information that some accused persons have assembled at garage of accused persons Rakesh Kumar and Rajesh Kumar to make a deal with regard to firearms and thereafter police party raided the said garage and five accused persons including the petitioner-Md Naushad were arrested at the spot but petitioner- Raman Kumar managed to escape at that time and from the possession of Md. Irshad, Md. Meraj, Rakesh and Rajesh firearms were recovered and from garage nine vehicles were also recovered and the same was alleged to be stolen.

The main submissions advanced by Sri Ravi Ranjan the learned counsel appearing for the petitioner- Raman Kumar are that the petitioner is not arrested at the spot, as per prosecution co-accused persons, who were arrested, disclosed the name of the petitioner and during course of investigation, petitioner was remanded in this present case and no incriminating article was recovered from his possession after he was taken into custody in the present case. Further submission is that co-accused Rakesh Kumar and Rajesh Kumar from whose possession firearms were recovered as per prosecution have been granted bail by this court vide order passed in Cr. Misc. no. 9188/2022 and the case of the petitioner stands on better footing as he was neither arrested at the spot nor any



incriminating article or firearm was recovered from his possession after he was remanded in the present case.

Learned counsel Mrs. Bela Singh appearing for the petitioner- Md. Naushad @ Md. Naushad Alam submitted that as per allegation although petitioner was arrested at the spot but no firearm was recovered from his possession and he has clean antecedent and has been languishing in jail since 01.11.2021.

Learned APP has opposed the prayer for bail of the petitioners.

Though petitioner-Raman Kumar has criminal antecedent of five cases but he was not arrested at the spot in relation to the occurrence of this case and he has taken plea that after the petitioner was remanded in the present case, no incriminating article or any weapon was recovered from the possession of the petitioner and said submission has not been refuted by learned APP.

So far as prayer of petitioner- Md Naushad @ Md. Naushad Alam is concerned, as per FIR no any incriminating article or firearm was recovered from his possession and he is simply alleged to be present at the alleged garage along with co-accused and he has no criminal antecedent.

Considering these facts as well as above submissions and taking into account that co-accused persons carrying more serious allegation than the petitioners have been considered for bail vide order passed in Cr. Misc. no. 9188/2022, both petitioners deserve



privilege of bail. Let both petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Muzaffarpur/ concerned court in Kanti P.S Case No. 684 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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