

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32001 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

RAJESH KUMAR SINGH S/o Ram Lakhan Singh Resident of Village-
Ahiwas, Police Station Ramgarh, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-08-2022 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. Jay Prakash Singh, 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 Ramgarh P. S. Case No. 297 of 2021 registered for the offences punishable under Sections 188, 171 (F), 171 (E) read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, they intercepted one



Maruti car and on search 26 pamphlets of a candidate Rinkki Kumari as well as 100 litres country-made illicit liquor and cash of Rs. 50,000/- was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is further submitted that only because of the petitioner being owner of the Maruti car, his name has been implicated in this case, though the said vehicle was taken by co-accused person for his personal use but in the meantime, the police intercepted the Maruti car and the recovery has been made. It is next submitted that the petitioner has neither any concern with the recovered articles nor with the accused persons. It is also submitted that save and except the petitioner being owner of the said vehicle, there is no other material suggesting the involvement of the petitioner in the present crime. It is lastly submitted that the petitioner having come to know about his implication in this case, he himself surrendered on 27.04.2022 and since then he is in custody, having fair antecedent and after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, apart from that the petitioner is in custody since 27.04.2022, having fair antecedent, 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)-cum-Additional District Judge-II, Kaimur at Bhabua in connection with Ramgarh P. S. Case No. 297 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 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.

(Harish Kumar, J)

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