

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47266 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- RAJIVNAGAR District- Patna

HARSH RAJ Son of Sushil Kumar Verma Resident of Village - Shantipuri,
P.S.- Town, District - Motihari presently residing at Mohalla Indrapuri Road
no. 10, P.S.- Patliputra, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47414 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- RAJIVNAGAR District- Patna

Sanjeev Kumar S/O Sri Sachidananda Sharma R/O Village-Shamsher Nagar,
P.S-Daudnagar, District-Aurangabad, At Present New Purendarpur Janardan
Gali, P.S-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47266 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47414 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv

: Mr. Nilesh Kumar, Adv

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and the
learned A.P.P. for the State.



The petitioners seek bail in connection with Rajiv Nagar P.S.Case No.199 of 2021 registered for the offence under Sections 420 and 188 of the Indian Penal Code, Section 7 E.C.Act, Rule 3 of Oxygen Gas Cylinder Rules, 2016, Section 9 B of the Explosives Act, Section 3 of the Pandemic Act, 1897.

As per the prosecution case, the petitioners along with other accused persons were indulged in black-marketing of oxygen gas cylinder.

Learned counsel appearing for the petitioners submits that petitioner-Harsh Raj has clean antecedent and petitioner petitioner-Sanjeev Kumar carries one more case other than the present one. He further submits that the petitioners have been made accused in the present case only on the basis of the disclosure made by co-accused-Harsh Raj. He further submits that nothing has been recovered from the conscious possession of petitioner-Sanjeev Kumar. Some articles have been recovered from possession of petitioner-Harsh Raj. He further submits that the police after investigation submitted chargesheet against the petitioners and other co-accused persons. He further submits that co-accused, namely, Chandan Kumar has been granted bail vide order dated 18.11.2021 in Cr. Misc. No.47040 of 2021 by a Coordinate Bench of this Hon'ble Court. He further submits that



co-accused, namely, Shibbu Kumar has been granted bail vide order dated 07.01.2022 in Cr. Misc. No.53028 of 2021, co-accused, namely, Sanjay Kumar, Prem Raj and Rahul Kumar have been granted bail vide order dated 22.01.2022 in Cr. Misc. No.54675 of 2021, Cr. Misc. No.54966 of 2021 and Cr. Misc. No.54734 of 2021 respectively by this Court and the petitioners are in custody since 11.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Rajiv Nagar P.S.Case No.199 of 2021 with 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 and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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