

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38042 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- KATRA District- Muzaffarpur

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Ram Vinay Kumar, Son of Jawahar Sah @ Jabahar Sah @ Jawahir Sah,
Resident of village- Basauli Nanhkar, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 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. Hari Kishore Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Katra P.S. Case No. 91 of 2022 registered for
the offences punishable under Sections 399, 402 of the Indian
Penal Code, Sections 25(1-b)a, 26/35 of the Arms Act and
Sections 20/22 of the N.D.P.S. Act.

In course of patrolling duty, the police on a secret
information with regard to assemblage of miscreants conducted
raid and apprehended three persons, including the petitioner. On
search, two live cartridges were recovered from the possession



of the petitioner. It is further alleged that other incriminating materials have been recovered from the possession of other two accused persons and on the disclosure made by co-accused Uttam Rai 1250 Gm Ganja like substance was recovered from his house.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that only two live cartridges have been recovered from the possession of the petitioner, though the fact is that no recovery has been made from the person or possession of the petitioner, however, only on account of one past criminal antecedent, his name has been implicated in this case. He next submits that the petitioner has neither any concern with the other co-accused persons nor with the alleged recovery of Ganja like substance, which has been recovered on the disclosure made by co-accused Uttam Kumar. He further submits that prior to the present case, the petitioner was made accused in Bochaha P.S. Case No. 284 of 2018, in which the petitioner has already been acquitted. He lastly submits that the petitioner is in custody since 15.03.2022 and now the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner was apprehended by the police and from his possession live cartridges were recovered.

Regard being had to the submissions made on behalf of the parties and considering the fact that two live cartridges have been recovered from the possession of the petitioner and he is in custody since 15.03.2022 and now the investigation is complete, 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 Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Katra P.S. Case No. 91 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(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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