

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38499 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- RAMGARHWA District- East Champaran

VISHWAJIT KUMAR SON OF LAKSHMAN PRASAD RESIDENT OF
VILLAGE- MAJHAULIA, P.S.- SAKRA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with N.D.P.S. Case No. 11 of 2022 arising out of Ramgarhwa
P.S. Case No. 36 of 2022 for the offences under Sections 399,
414, 401 and 402 of the Indian Penal Code, sections 25 (1-B)a,
26 and 35 of Arms Act and sections 20(b)(ii)(c), 22 and 23 of
N.D.P.S. Act.

As per the prosecution story, the informant received
an information that about one dozen miscreants armed with
deadly weapons are present near Ramgarhwa High School with
an intention to commit robbery. As the police reached there,



the accused persons tried to escape but police apprehended four of them including the petitioner herein. On search, a motorcycle, one loaded pistol, two live cartridges and 936gms '*charas*' were recovered/seized from Vinay Kumar Kushwaha, so far as this petitioner is concerned, country made pistol and live cartridge 3.15 bore were recovered/seized. Accordingly, seizure list prepared, FIR instituted and the petitioner was taken into custody.

Learned counsel for the petitioner submits that so far as the recovery/seizure of 936 gms of '*charas*' is concerned, it is attributed to accused, Vinay Kumar Kushwaha. It is his further submission from this petitioner, only allegation of recovery/seizure of countrymade pistol and a live cartridge are there. He further submits that only because he has criminal antecedent, he has been implicated in this case and is in custody since 01.02.2022 (as stated in paragraph-13 of the bail application).

Considering the aforesaid facts that the seizure list of 936gms '*charas*' has been attributed to accused, Vinay Kumar Kushwaha and there is recovery of country made pistol and a live cartridge from this petitioner, he is in custody since 01.02.2022, charge sheet stands submitted, this Court is inclined



to grant him privilege of bail. If however, it is found any statement and/or incorporated in this bail application is/are false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with N.D.P.S. Case No. 11 of 2022 arising out of Ramgarhwa P.S. Case No. 36 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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