

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67772 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- MOKAMAH District- Patna

Rohit Kumar @ Suddha, S/O Sri Munna Singh @ Mrityunjay Singh, R/o
village- Sakarwar Tola Ward No. 16, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mokama P.S. Case No.214 of 2021 registered for the offence punishable under Sections 25(1-b)a, 26 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016

While on patrolling duty, informant (police officer) has received information that the instant petitioner, who is an absconder in one case, is carrying some arms and liquor for the purpose of its trade.

Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioner submits that allegation in so far as the petitioner being an absconder is concerned, is false and baseless.



Altogether he is an accused in six cases prior to the instant case, details of which has been stated in paragraph 3 of the bail application and in all the case, he is on bail.

Though prosecution alleges recovery from the *Bathan* of the petitioner, the seizure list does not corroborate the same as it has not been mentioned in the column provided for recording the place of recovery. The seizure list also does not support recovery of arms from the petitioner's possession. At best, the seizure list supports recovery of 3 litres 375 ml. IMFL from the petitioner's possession, which is a false accusation, as per the petitioner's submission. The petitioner has remained in custody since 07.08.2021 and investigation is stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and on going through the seizure list as also the period of custody and that the investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned
Special Judge, Excise, Patna, in connection with Mokama P.S.
Case No.214 of 2021, subject to the following conditions:

(i) That one of the bailors
will be a close relative of the
petitioner who will give an affidavit
giving genealogy as to how he is
related with the petitioner. The bailor
will also undertake to inform the court
if there is any change in the address of
the petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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