

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11616 of 2023**

Arising Out of PS. Case No.-495 Year-2022 Thana- DHANARUA District- Patna

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Rahul Kumar Son Of Pappu Kumar Goswami R/O Village- Vishwanath
Mandir Road, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No., Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection with Dhanarua P.S. Case No. 495 of 2022 instituted under Sections 399, 402, 353, 332, 333, 307/34 IPC and 25 (1-B)A/26/27 of Arms Act and 20(B)(ii)a, 22(a) of NDPS Act lodged on 26.08.2022 by the informant Dinanath Singh.

As per the FIR, the informant Dinananth Singh, S.H.O of Dhanarua Police Station, received an information on 25.08.2022 that some persons have assembled with arms to carry out serious crime. After registering a 'Sanha' of this information, the informant along with other police personnel reached village Sanda Rasalpur at about 16:35 PM. and after



seeing the police personals, five accused persons after throwing a white bag tried to escape while one of them also fired on the police. When again the accused tried to fire, he was caught by the police along with pistol. Police personnel also chased and arrested the other accused persons, but one accused managed to escape. They further disclosed their name as Ishu Kumar (co-accused), Yash Raj(co-accused) Sunil Kumar co-accused) and Rahul Kumar (accused/petitioner). In the presence of two witnesses, they were searched separately and one country made pistol, one 'khokha' and six live catridges were recovered from co-accused Ishu and in the white bag which was thrown away by the accused persons 1.950 Kg 'Ganja' was recovered. Accordingly, the FIR.

Learned counsel for the petitioner submits that he do not have criminal antecedent and nothing has been recovered from his conscious possession. Further, the alleged 'Ganja' recovered was 1.950 Kg. which is below the commercial quantity.

Learned APP apposes the prayer but concede that the quantities seized is below commercial one.

Considering the fact that nothing has been recovered from the conscious possession of the petitioner, he do not have



criminal antecedent and is in custody since 27.08.2022 (as stated in para-12 of the petition), this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Dhanarua P.S. Case No. 495 of 2022 to the satisfaction of learned A.D.J. XXIVth Patna, subject to following conditions. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

(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 month for next one year 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.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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