

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38928 of 2023

Arising Out of PS. Case No.-14 Year-2022 Thana- MUSAHARI District- Muzaffarpur

=====

RUMI HASHAN @ RUMI HASAN @ MD. MUNNA @ MUNNA KHAN@
RAMI HASHAN SON OF LATE KAMRUL HASSAN RESIDENT OF
VILLAGE -CHANDAN BAKHARI, PS- AHYAPUR, DISTT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with
Mushahari P.S. Case No. 14 of 2022 for the offences under Sections
399, 402 and 414 of the Indian Penal Code and Section 25 (1-
b)a/26/35 Arms Act and 20/22 of N.D.P.S. Act lodged on 20.01.2022
by the informant, Shashi Bhushan Kumar.

As per the prosecution story, the informant got secret
information that some accused persons gathered near Rohua Math for
committing crime and thereafter the informant with police party
reached at the place of occurrence and on seeing the police.
Although, the accused persons tried to escape but they were
apprehended. On being searched, arms and ammunition as well as 1
kg of ‘charas’ like substance were recovered/seized from their



possession.

Earlier prayer for bail of the petitioner was rejected vide order dated 19.09.2022 passed in Cr. Misc. No. 36504 of 2022.

Learned counsel for the petitioner submits that he was pillion rider and Deepak Kumar @ Pradeep Kumar who was sitting ahead on motorcycle and a country made revolver and cartridge recovered from his possession has since been granted bail in Cr. Misc. No. 24026 of 2023 on 18.05.2023 (Annexure-3). The charas like substance has hanging with the motorcycle and there is no recovery from his person.

Learned APP opposes the prayer but concede that similar situate Deepak Kumar @ Pradeep Kumar has been granted bail.

In view of the fact that the petitioner is in custody since 21.01.2022 (para-10) and similar situate Deepak Kumar @ Pradeep Kumar has been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur in connection with Musahari P.S. Case No. 14 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 month till the conclusion of the trial 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 his 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)

kiran/-

U			
---	--	--	--

