

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37244 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- GAYA MUFASIL District- Gaya

Rohit Kumar @ Timsi, S/o Krishandeo Panday @ Krishna Panday R/o
Mohalla. Janakpur, PS. Muffasil, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Mufassil P.S. Case No.253 of 2023, registered for the offences punishable under Sections 399 and 402 of Indian Penal Code and Section 8, 20(b)(ii)(A), 8(c), 21(a) of the N.D.P.S. Act and 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case as emerges from the FIR is that on 01.03.2023 at around 12.30 am, the informant/ Shyam Sundar Paswan along with other police officials apprehended the accused persons traveling in a white Scorpio bearing Registration No. JH-05P-4988 and



recovered arms, live cartridges and contraband from them.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. He also submits that no contraband has been recovered from the possession of the petitioner. He also submits that recovery has not been made as per the rule as prescribed under Cr. P.C. He also submits that the allegation against the petitioner is general and omnibus in nature.

He further submits that the petitioner has been languishing in jail since 02.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in eight other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge-cum-Special Judge NDPS Act, Gaya in connection with Mufassil P.S. Case No.253 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than



the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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