

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38317 of 2023

Arising Out of PS. Case No.-826 Year-2022 Thana- FATUA District- Patna

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1. RAMANAND YADAV Son of Shankar Yadav Resident of village-
Jainandanpur, Jainandpur, P.S. - Fathua, Distt. - Patna
 2. Prince @ Nitish @ Rajesh Son of Brijnandan Prasad Resident of village -
Varna, P.S. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are in judicial custody in connection with Fatuha P.S. Case No.826 of 2022 instituted under Sections 413/34 of the I.P.C., 25(1-b)a/26/35 Arms Act and 8(c)/20/22 of NDPS Act lodged on 12.11.2022 by the informant Rajesh Kumar.

As per the FIR, on 12.11.2022 informant along with other police personals were on duty and investigation of Fatuha P.S. Case No 825/2022. Meanwhile, the informant got information at 08.30 AM about sale of looted mobile at Saidpur in mango orchard. On this information, informant reached there and on seeing police party, four persons tried to escape but were



apprehended and on interrogation gave their names Ramanand Yadav, Rahish Kumar, Pankaj Kumar and Prince @ Nitish @ Rajesh. As local people assembled they were requested but refused to participate in seizure process. Thereafter, in presence of two members of raiding party, search was conducted and from the possession of Ramanand Yadav, loaded pistol with live cartridge, two mobiles, one folded small knife and cash of Rs. 6000/- was/were recovered and one mobile, one live cartridge and cash of Rs, 6000/- was recovered from the possession of Prince @ Nitish @ Rajesh while from possession of Rahish Kumar, one country made loded pistol with live cartridge and cash of Rs 6000/- was recovered lastly from possession of Pankaj Kumar, one mobile, one live cartridge and cash of Rs. 6000/- was recovered. Further, from the handle of Apachi motorcycle, 1 kg. 'Ganja' was found containing in a bag. Accordingly, seizure list was prepared. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that it is his false implication and only on the basis of suspicion they have been named and there is no recovery from his personal/conscious possession nor he had anything to do either with the motorcycle or the 'Ganja' The further submission is that the recovery of pistol and cartridges too are false and



fabricated as the policeman themselves one seizure list witnesses.

Learned APP opposes the prayer for bail stating that they have been apprehended and recovery have been made.

Taking into account the submissions put forward by the learned counsel for the petitioners, and as also the period of custody since 14.11.2022, this Court is inclined to grant them privilege of bail.

Let both the petitioners 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 Fatuha P.S. Case No.826 of 2022 to the satisfaction of learned Additional Sessions Judge, IV, Patna, subject to following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

Prakash Narayan

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