

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10166 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- INARWA District- West Champaran

ASAI PATEL @ RAJKUMAR PRASAD KURMI S/o Dayali Patel @ Dayali
Raut Kurmi R/o Village- Dasauta, P.S.- Janki Tola, Distt- Parsa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42500 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- INARWA District- West Champaran

RADHIKA DEVI W/O ARJUN PATEL R/O- BEHRA, PS. SIKTA, DIST.
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10166 of 2023)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

(In CRIMINAL MISCELLANEOUS No. 42500 of 2023)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-08-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

2. The petitioners seek bail in connection with
Inarwa P.S.Case No.93 of 2022, F.I.R. dated 26.09.2022
registered for the offence punishable under Section
8,20(b),II(c),23(c), 29 of N.D.P.S.Act.



3. Recovery is of 42 Kg of Ganja.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and have falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that nothing incriminating article have been recovered from possession of the petitioners and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Aatma Prasad and except the confessional statement of the co-accused, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioner in the present occurrence and the motorcycle in question was registered in the name of Radhika Devi, who is sister of Aatma Prasad and the police, after investigation, submitted chargesheet against the petitioners and the petitioner-Asai Patel @ Rajkumar Prasad Kurmi is in custody since 04.10.2022 and petitioner-Radhika Devi is in custody since 27.03.2023 respectively.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.



6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bettiah, West Champaran in connection with Inarwa P.S.Case No.93 of 2022, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

