

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43513 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

RAJIV RANJAN @ DIMPAL son of Lala Babu Paswan R/o- Chhoti Pahari
Rasida Chak Sampatchak Ps- Agamkuan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44667 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

CHANDRA SHEKHAR KUMAR @ CHANDRA SHEKHAR PRASAD @
SHEKHAR S/O SRI KISHORI PASWAN R/O Village- Darveshi, P.S-
Daniyawan, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45928 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

MUKESH KUMAR S/O KAMTA PRASAD SINGH R/O Pondil, P.S-
Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46484 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

RANJAN KUMAR @ GUDDU KUMAR S/O LATE AWDHESH PRASAD
R/O Jayprakash Nagar, Teen Pulwa Gali, P.S- Jakkanpur, Distt.- Patna.



... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43513 of 2023)

For the Petitioner/s : Mr. Neerad Parashar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 44667 of 2023)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

(In CRIMINAL MISCELLANEOUS No. 45928 of 2023)

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 46484 of 2023)

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023

In Cr. Misc. No. 43513 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. At the outset, learned counsel appearing on behalf of the petitioner seeks permission to correct paragraph no. 3 of the present bail petition.

3. Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

4. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 242 of 2023 registered for the offence under Sections 399/402/414 of the Indian Penal Code, under Sections 25(1-b)a/26/35 of the Arms Act and under Section 37



of the Excise Act.

5. The accused/petitioner is named in the F.I.R. and is in custody since 10.03.2023.

6. The allegation against the petitioner is to involve in preparation for committing dacoity and while preparing so found in possession of country-made pistols and live cartridges. As per F.I.R., accused persons including petitioner were found in drunken condition.

7. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner with present case is only for the reason that one country-made pistol with live cartridges were recovered from his possession and on the basis of these recovered firearms petitioner cannot be implicated with offence, as different legal ingredients are required to established a, *prima facie*, case regarding preparation for committing dacoity. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case prior to this occurrence, where he is on bail and on the same very day of lodging of this F.I.R., petitioner was also named with two more criminal cases, which indicates nothing more than police atrocities and moreover, investigation of this case has been completed, for which, charge-



sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned APP opposes the prayer of bail.

9. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of this petitioner, *prima facie*, appears with present case for the reason that one country-made pistol with live cartridges were recovered from his possession coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Agamkuan P.S. Case No. 242 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation



of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

In Cr. Misc. No. 44667 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 242 of 2023 registered for the offence under Sections 399/402/414 of the Indian Penal Code, under Sections 25(1-b)a/26/35 of the Arms Act and under Section 37 of the Bihar Prohibition and Excise Act.



3. The accused/petitioner is named in the F.I.R. and is in custody since 10.03.2023.

4. The allegation against the petitioner is to involve in preparation for committing dacoity and while preparing so found in possession of country-made pistols and live cartridges. As per F.I.R., accused persons including petitioner were found in drunken condition.

5. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner with present case is only for the reason that three live cartridges were recovered from his possession and on the basis of these recovered firearms petitioner cannot be implicated with offence, as different legal ingredients are required to established a, *prima facie*, case regarding preparation for committing dacoity. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case prior to this occurrence, where he is on bail and on the same very day of lodging of this F.I.R., petitioner was also named with two more criminal cases, which indicates nothing more than police atrocities and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of this petitioner, *prima facie*, appears with present case for the reason that three live cartridges were recovered from his possession coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Agamkuan P.S. Case No. 242 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner



shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

In Cr. Misc. No. 45928 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 242 of 2023 registered for the offence under Sections 399/402/414 of the Indian Penal Code, under Sections 25(1-b)a/26/35 of the Arms Act and under Section 37 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 10.03.2023.



4. The allegation against the petitioner is to involve in preparation for committing dacoity and while preparing so found in possession of country-made pistols and live cartridges. As per F.I.R., accused persons including petitioner were found in drunken condition.

5. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner with present case is only for the reason that five live cartridges were recovered from his possession and on the basis of these recovered firearms petitioner cannot be implicated with offence, as different legal ingredients are required to established a, *prima facie*, case regarding preparation for committing dacoity. While concluding the argument, it has been submitted that on the same very day of lodging of this F.I.R., petitioner was also named with two more criminal cases, which indicates nothing more than police atrocities and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of



this petitioner, *prima facie*, appears with present case for the reason that five live cartridges were recovered from his possession coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Agamkuan P.S. Case No. 242 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, (Patna)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every



date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

In Cr. Misc. No. 46484 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 242 of 2023 registered for the offence under Sections 399/402/414 of the Indian Penal Code, under Sections 25(1-b)a/26/35 of the Arms Act and under Section 37 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 10.03.2023.

4. The allegation against the petitioner is to involve in preparation for committing dacoity and while preparing so



found in possession of country-made pistols and live cartridges. As per F.I.R., accused persons including petitioner were found in drunken condition.

5. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner with present case is only for the reason that one country-made loaded pistol with three live cartridges were recovered from his possession and on the basis of these recovered firearms petitioner cannot be implicated with offence, as different legal ingredients are required to established a, *prima facie*, case regarding preparation for committing dacoity. While concluding the argument, it has been submitted that on the same very day of lodging of this F.I.R., petitioner was also named with two more criminal cases, which indicates nothing more than police atrocities and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of this petitioner, *prima facie*, appears with present case for the reason that one country-made loaded pistol with three live



cartridges were recovered from his possession coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Agamkuan P.S. Case No. 242 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, (Patna)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption



from physical appearance be allowed
by the learned Trial Court, only on
medical ground of the petitioner duly
supported by the documents.

(iii) That one of the bailors
shall be deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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