

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55391 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Rohit Kumar, S/o Gholti Mandal @ Gholti Das R/V- Bhim Das Tola,
Tintenga, P.S.- Gopalpur (Rangra), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Naugachia P.S. Case No. 143 of 2022 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and 25(1-B) A, 26 / 35 of the Arms Act.

The police on a secret information regarding assemblage of miscreants conducted raid and apprehended 3 persons. It is further alleged that other accused persons have succeeded in fleeing away. On search, one loaded country made pistol, one live cartridge and one mobile phone was recovered.



Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the possession of the petitioner, however, only on account of he being found involved in seven other criminal cases, his name has been implicated in this case. It is next submitted that there is no independent witnesses to the seizure list, apart from other infirmities in the conducting seizure. He further submits that other co-accused, who was also apprehended by the police during the course of raid, they have been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 45115 of 2022 vide order dated 09.01.2023 and Cr. Misc. No. 55534 of 2022 vide order dated 17.01.2023, the copies of which have been submitted before this Court and the same are taken on record. It is next submitted that so far the other criminal cases are concerned, the petitioner is not named in the FIR, however, only either on confessional statement or suspicion, his name has been implicated in these cases. It is lastly submitted that the petitioner is in custody since 04.06.2022 and the investigation is complete.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involve in seven other criminal cases, besides



the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, apart from the fact that other co-accused persons who were also apprehended by the police, they have been admitted on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Naugachia in connection with Naugachia P.S. Case No. 143 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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