

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59183 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- SUGAULI District- East Champaran

Rahul Kumar S/O Bhagat Sahni @ Bhagat Chaudhari R/O Village- Hathiyahi,
Ps. Piprakothi, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act and Section 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. As per FIR, allegation against the petitioner is to involve in preparation for committing dacoity along with other co-accused persons and while preparing so, petitioner found in possession of one motorcycle bearing Reg. No. BR05AY0650 and one mobile, whereas other co-accused persons were found in possession of contraband i.e. charas like substance total 1.242kg and other incriminating materials.

4. It is submitted by learned counsel for the petitioner is innocent and has committed no offence. He has falsely been



implicated in this case due to high handedness of police officials. The alleged recovery of narcotic substance and arms have been made from other co-accused persons and not from the possession of the petitioner. The alleged motorcycle belongs to father of the petitioner as per Annexure-2 and mobile phone belongs to petitioner. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The other co-accused namely Sandeep Kumar has already been enlarged on bail by another coordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No.49644 of 2023. Petitioner is languishing in judicial custody since 31.03.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Sugauli P.S. Case No. 119 of 2023.

(Sunil Kumar Panwar, J)

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