

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67760 of 2022

Arising Out of PS. Case No.-652 Year-2022 Thana- BRAHMPUR District- Buxar

Dhanoj Kumar @ Dhanoj Prasad S/o Shankar Prasad R/v- South Tola,
Dumraon, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Heard Mr. Manish Rai Sharma, learned counsel
appearing on behalf of the petitioner and Mr. Kumar Veerendra
Narayan, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Brahampur (K.B.) P.S. Case No. 652 of 2022
registered for the offences punishable under Sections 399 and
402 of the Indian Penal Code and Sections 25(1-B)a, 25(6), 26
and 35 of the Arms Act.

Allegedly on a secret information with regard to
assemblance of miscreants, the police conducted raid and
apprehended the petitioner and others. On search, one country
made loaded pistol, one mobile and a motorcycle have been
recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the



petitioner submits that, in fact, nothing has been recovered from the person or possession of the petitioner, however, he was summoned by the police and thereafter his name has been implicated in the case showing the recovery. More so, the petitioner has been remanded in the case after lapse of 24 hours in complete defiance of Section 57 of the Cr.PC. He next submits that the petitioner having fair antecedent is in custody since 04.09.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witness. He lastly submits that so far as the seizure list is concerned, the witnesses are none else but the member of the raiding party, which also makes the entire case suspicious. There is nothing on record that the motorcycle is a stolen property.

On the other hand, learned counsel for the State opposes the application and submits that recovery of arms and other incriminating material have been made from the conscious physical possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and other infirmities as pointed out by the learned



counsel for the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur (K.B.) P.S. Case No. 652 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.

(Harish Kumar, J)

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