

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73282 of 2023

Arising Out of PS. Case No.-477 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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NIRAJ KUMAR Son of Shivrath Sah @ Sri Nath Sah R/o vill - Bariyariya,
P.S. - Sangrampur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Govindganj P.S. Case No. 477 of 2023 registered under Sections 399 and 402 of the Indian Penal Code and Section 25(1-B) and 26 of the Arms Act lodged on 14.08.2023 by the informant.

3. As per prosecution case the police upon secret information, it intercepted the accused persons. While some managed to escape, three accused persons were apprehended and it is alleged that from this petitioner, one country made revolver was recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner straightaway has



taken this Court to the seizure list attached with the FIR to show that though the police has shown recovery/seizure of a country made revolver from him, the seizure list does not contain his signature. He, however, concede that he has criminal antecedent for which he has been implicated in this case.

5. Learned APP for the State though opposes the prayer for bail concedes that he is unable to answer why the signature of the petitioner has not been taken in the seizure list when the police claims recovery of arm from him.

6. In view of the matter that the petitioner is in custody since 15.08.2023 (as stated in paragraph-4 of the bail application) and his signature is missing in the seizure list, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Motihari, East Champaran in connection with Govindganj P.S. Case No. 477 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates



without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. The Superintendent of Police East Champaran, Motihair, is requested to look into the matter as to how such grave lapses are being made by the Police Force of not taking the signature of the apprehended person on the seizure list, and/or whether or not it is deliberate to allow relief being extended to the accused persons.

9. Let a copy of the order be sent to the Superintendent of Police, East Champaran, Motihari for his perusal and necessary action.

(Rajiv Roy, J)

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