

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74663 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- KARJA District- Muzaffarpur

ROHIT KUMAR S/O Shri Dilip Kumar Thakur R/O Village- Rusulpur, P.S-
Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 30.09.2022 in connection with Karja P.S. Case No. 51 of 2021, F.I.R. dated 23.02.2021 registered for the offence punishable under Sections 414, 120 (B) of the I.P.C., Section 25 (1-b) a, 26, 35 of the Arms Act and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the F.I.R. Police got a secret information that the son of the petitioner Rahul Kumar was indulged in the trade of illicit liquor, raided the house of Rahul Kumar and from the cot of the petitioner recovered a country made loaded gun and from the room of Rahul Kumar 8.250 liters of illicit foreign liquor was recovered and one country made pistol from the



possession of Rahul Kumar. It has further been alleged that on disclosure of name of other accomplices of Rahul Kumar Police raided the place of the co-accused persons and recovered some money as well as illicit liquor to the extent of 8.640 liters, 16.890 liters etc.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the confessional statement of the co-accused person, namely, Rahul Kumar. Further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from possession of co-accused person, and except the confessional statement of the co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that several co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-2 series to this bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.09.2022.

Learned APP for the State has opposed the prayer for



bail of the petitioner on the ground that the petitioner carries two more cases other than the present one, but fairly submits that out of two cases, the petitioner is on bail in one case and rest one is pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.II, Muzaffarpur in connection with Karja P.S. Case No. 51 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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