

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.897 of 2023

Arising Out of PS. Case No.-108 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Santosh Kumar S/o Late Shiv Prasad Yadav R/o Village- Pariya Sotipur, Ward
No- 01, P.S- Bariyarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 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. Manohar Prasad Singh, 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 Kiul Rail P.S. Case No. 108 of 2022 (N.D.P.S. Case No. 08 of 2022) registered for the offence punishable under Section 414 of the Indian Penal Code and Section 21(b) of N.D.P.S. Act, 1985.

The railway police in course of patrolling on suspicion apprehended five persons. On search, Rs. 5,000/- and a mobile is said to have been recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR it is evident that no incriminating material has been recovered from the possession of the petitioner and so far the other co-accused persons are concerned, the petitioner has no concern with them. He next submits that the petitioner was a bona fide passenger, having valid ticket was going to Gaya but on suspicion, he was apprehended by the police. He next submits that besides the present case, the petitioner is made accused in Jamalpur rail P.S. Case No. 48 of 2005 and this is also one of the reason of implicating his name in the present crime. He lastly submits that now the investigation is complete and charge-sheet has been submitted and there is no chance of tampering with the evidence.

On the other hand, learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the recovery made from the possession of the petitioner coupled with the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Lakhisarai in connection with Kiul Rail P.S. Case No. 108 of



2022 (N.D.P.S. Case No. 08 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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