

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15255 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- KALYANPUR District- East Champaran

Rajesh Kumar Son of Jailal Rai Resident of Village-Balua, P.S.-Kalyanpur,
District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 425 of 2023 instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act and Section 8/20(b)(ii) (c) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per prosecution case, the F.I.R. named accused persons including the present petitioner were arrested on the spot, while they were assembled to commit *loot-pat* from employee of the Finance Company. In course of search, from the possession of the petitioner, one country made pistol with



one live cartridge and one mobile have been recovered. Other incriminating articles as mentioned in the seizure list were also recovered from the other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and has been implicated in this case only on suspicion. The petitioner has no concern with the seized contraband, arms or the alleged motorcycle. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 28.11.2023.

5. Learned counsel for the petitioner again submits that the co-accused Aurangzeb Alam has been granted bail by this Court vide order dated 23.02.2024 passed in Cr. Misc. No. 11547 of 2024.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and claim of parity and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Kalyanpur P.S. Case No. 425 of 2023.

(Rudra Prakash Mishra, J)

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