

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23702 of 2024**

Arising Out of PS. Case No.-603 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Rakesh Kumar, son of Late Bharat Ray Village -Madhopur Hazari, P.S.-  
Sahebganj, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      27-09-2024                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in a case registered for the  
offences punishable under Sections 399 and 402 of the Indian  
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act  
and Sections 8, 20 and 22 of the N.D.P.S. Act.

3. The learned counsel for the petitioner submits that  
this is the third attempt of the petitioner to seek regular bail. It is  
further submitted that petitioner is in custody since 30.11.2020  
on an allegation that 500 grams of charas was found from his  
possession.

4. It is submitted that the alleged recovery is less than  
the commercial quantity and the petitioner is languishing in  
custody for more than three years and a little less than four



years. It is also submitted that charges have been framed on 08.02.2024. It is next submitted that the instant case was taken up on 09.09.2024, when a report was called for from the Court of the learned 2<sup>nd</sup> Additional Sessions Judge, Muzaffarpur with regard to the stage of the case and also to disclose that as to within what time the trial would be concluded.

5. In compliance of the order dated 09.09.2024, the report has been received contained in letter no.201 dated 20.09.2024, wherein it has been recorded that charges have been framed on 08.02.2024 and there are 10 charge-sheet witnesses and not a single witness till date has been produced despite summon being issued on the witnesses and a letter to the S.S.P., Muzaffarpur for production of witnesses has already been sent. The report further records that the trial would be concluded within nine months.

6. The learned counsel for the petitioner submits that when not a single witness till 20.09.2024 has been examined, it does not appear probable that the trial would be concluded within a period of nine months and the petitioner is languishing in judicial custody for nearly four years.

7. Learned A.P.P. opposes the regular bail application.

8. Considering the submissions made by the learned



counsel for the petitioner and the fact that charges have been framed, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge, Muzaffarpur in connection with Sahebganj P. S. Case No.603 of 2020/ N.D.P.S. Case No.126 of 2020, subject to the condition that one of the bailors of the petitioner shall be his mother, namely, Fulmati Devi.

9. The application stands allowed.

10. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

**(Satyavrat Verma, J)**

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