

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44849 of 2024

Arising Out of PS. Case No.-39 Year-2000 Thana- BRAHMPURA District- Muzaffarpur

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Ram Kumar Shahi @ Raj Kumar Shahi Son of Late Ram Yash Shahi @ Ram
Jash Shahi Resident of Village- Baruraj, P.S- Baruraj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Brahmpura P.S. Case No. 39 of 2000 for the offence punishable under sections 429 and 34 of the Indian Penal Code and Section 7 of E.C. Act lodged on 13.04.2000 by the informant, Ramchandra Chaudhary.

3. As per the prosecution story, the informant alleged that upon receiving confidential information that kerosene oil has been kept in a room of hostel for black marketing, it was searched and two drums containing 200 litres each were seized. One Prabhat Kumar was interrogated who gave the information that it belongs to the present petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither it has been recovered/seized from his conscious possession nor he has any role to play in the matter but only



because he was named by one of the person from where recovery made, he has been implicated. He submits that due to illness, he could not earlier surrender and move for bail for which he has already suffered by being in jail since 08.03.2024 (para 12 to the petition). He further undertakes to diligently appear in trial and failure to do so even for a day without any reason, the State shall be free to cancel his bail bond and the last submission is that, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 20,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer for bail submitting that he disappeared for decades which hampered the conclusion of the trial.

6. Though there is delay in approaching the Court, the fact remains that he has remained in custody since 08.03.2014 and has no criminal antecedent, further he has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioner and the receipt has to be submitted at the time of execution of bail bond. Further, failure



to cooperate in the trial, the State shall be free to take steps for the cancellation of his bail bond.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M, East Muzaffarpur in connection with Brahmpura P.S. Case No. 39 of 2000 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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