

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51276 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Manish Kumar @ Meghnath Rai @ Manish Son of Ramchandra Rai Resident
of Vill- Mukundpur, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 11-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Patory P.S. Case No. 707 of 2023 for the offence punishable under Sections 8/20(b)(ii)(a) of the N.D.P.S. Act and section 25(1-B), 26 of the Arms Act lodged on 11.11.2023 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that upon information that Ranjay Kumar is moving in suspicious condition, he was apprehended and upon search, a country made pistol/live cartridges as also 250 grams 'ganja' recovered/seized. He further gave information that it was provided by this petitioner for selling. This led to the implication of this petitioner in this case.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that the recovery/seizure is from Ranjay Kumar but only to implicate because he has criminal antecedent, name has been dragged for which he is in custody since 08.12.2023 (para-14 of the petition).

5. Learned APP opposes the prayer submitting that not only he has criminal antecedent, the apprehended person has named him.

7. Considering the aforesaid submissions put forward by the parties as also the fact that nothing has been recovered from his conscious possession, is in custody since 08.12.2023, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Samastipur, in connection with Patory P.S. Case No. 707 of 2023 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 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 next one year 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)

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