

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54629 of 2024

Arising Out of PS. Case No.-306 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Rohit Kumar, Son of Guddu Kumar Srivastwa @ Guddu Srivastwa, R/v-
Village- Chhota Bariyarpur, P.S.- Chhatauni, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 14-08-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Motihari Town P.S. Case No. 306 of 2024
registered for the offences punishable under Sections 399, 402
and 120B read with 34 of the Indian Penal Code, Sections 25(1-
AA), 25(1-A), 25(1)(d), 26 and 35 of the Arms Act and Sections
20(B)(ii)(c), 23(c) and 29 of the NDPS Act.

3. On secret information regarding assemblage of
miscreants, the police conducted raid from where three persons
including the petitioner were apprehended and five were
managed to escape. On search, various incriminating materials



including pistol, live cartridges and charas like substance were recovered. A separate seizure list was prepared which suggests that from the possession of the petitioner one knife and a mobile phone were recovered; from the possession of one Harshit Kumar Srivastava, 1.10 Kg. charas like substance, pistol and live cartridges were recovered and some incriminating materials were recovered from Musariv Khan.

4. Learned counsel for the petitioner, referring to the FIR contended that from the seizure list, it appears that only one knife and mobile were recovered from the possession of the petitioner. However, there is total denial on behalf of the petitioner that any incriminating material has been recovered from his possession. It is next contended that only because of the fact that when the raid was conducted, the petitioner was present there and thus his name has been implicated in this case. Moreover, the petitioner has absolutely fair antecedent and now he has been incarcerated since 29.05.2024. It is further contended that the witnesses are none else but the police personnel. The alleged recovery of charas like substance and the pistol have been made from the possession of co-accused Harshit Kumar Srivastava.

5. On the other hand, learned counsel for the State



vehemently opposed the bail application and submitted that the petitioner was apprehended with other co-accused persons and his complicity in the present crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that a knife and mobile phone were recovered from the possession of the petitioner, coupled with his fair antecedent and the period of custody, let the petitioner, named above, 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 learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 306 of 2024, 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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