

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70000 of 2024

Arising Out of PS. Case No.-369 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Randhir Kumar @ Randhir Pratap, S/o Ram Sagar Ray, Resident of village-
Chandan Bakhari, P.S. - Ahiyarpur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard 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 Sahebganj P.S. Case No. 369 of 2024 registered for the offences punishable under Sections 313 of the Bhartiya Nyaya Sanhita (BNS) and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The police, on a tip-off assemblage of miscreants with illegal arms and ammunition, raided the place of occurrence and apprehended three persons, including the petitioner. On search, from the possession of the petitioner, one Samsung Mobile and motorcycle keys were recovered. Certain incriminating articles including the pistol and live cartridges were recovered from the possession of other apprehended



accused persons.

4. Learned counsel for the petitioner contended that the narratives made in the FIR clearly suggest that no incriminating material has been recovered from the possession of the petitioner. So far the mobile and the motorcycle are concerned, that belong to the petitioner. At the time of search and seizure, the petitioner was not in a position to produce the document and, as such, the present FIR has been instituted by implicating the name of the petitioner. It is further contended that there is complete defiance of the provisions of Section 103(2)(7) of the BNSS, 2023. Now the investigation of the crime is complete and the charge-sheet has been submitted. However, the petitioner has been incarcerated since 16.07.2024, having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery, coupled with the period of custody and the fair antecedent of the petitioner, 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



Judicial Magistrate 1st Class, Court No.4, Muzaffarpur (West) in connection with Sahebganj P.S. Case No. 369 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.

(Harish Kumar, J)

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