

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70802 of 2024

Arising Out of PS. Case No.-62 Year-2021 Thana- MADHUBAN District- East Champaran

Raja Singh @ Babu Sahab @ Rahul Kumar Son Of Late Bhola Singh @
Ganesh Prasad Singh Village- Maharauli, P.S.- Aurai, District- Muzzafarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-10-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Madhuban P.S. Case No. 62 of 2021, registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-B) (a)/26/35 and Sections 20/22 of the NDPS Act.

3. The police, on a tip off of assemblage of miscreants, conducted raid. However, noticing the police party several persons, who were present at the place of occurrence, succeeded in fleeing away barring one Sachin Kumar Singh @ Sonu. During the course of raid, one country made pistol, mobile phone, cash amount of Rs.80000/- and 1.080 gram of *charas* as also a motorcycle were recovered. The apprehended



person disclosed the name of his associates including the petitioner.

4. Learned Advocate for the petitioner contended that from the narrations made in the FIR it is evident that the name of the petitioner has surfaced on the disclosure made by the apprehended person; save and except the disclosure, there is no material suggesting the complicity of the petitioner in the crime. The reason behind false implication of the petitioner in the present case is said to be the criminal antecedents of the petitioner of identical nature, the particulars of which have been duly mentioned in paragraph-3 of the bail application. It is further contended that since the name of the petitioner has transpired on the confessional statement of co-accused, he was not acquainted with the institution of the present case and in the meantime, the petitioner was apprehended by the police. Co-accused person namely, Sachin Kumar Singh @ Sonu, from whose possession, the entire incriminating materials have been recovered, has been granted bail by this Court in Cr. Misc. No. 72526 of 2023 vide order dated 02.02.2024 taking note of the period of incarceration and the delay in disposal of the trial. It is lastly contended that be that as it may, the investigation of the crime is complete and the charge sheet has been submitted. The



petitioner undertakes that he will fully cooperate in the trial.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that six criminal antecedents of the petitioner clearly reveal that he is a habitual offender indulged in such kind of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has surfaced on the disclosure made by the apprehended person, apart from the disclosure, there is no materiel suggesting the complicity of the petitioner in the crime; mere criminal antecedent of the petitioner cannot be a ground to keep him behind the custody, coupled with the fact that the investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Madhuban P.S. Case No. 62 of 2021, subject to the condition that one of the bailors shall be the own/close family members 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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