

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77573 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- DUMRA District- Sitamarhi

Sanjay Kumar son of Shatrudhan Paswan @ Satrudhan Prasad village- Sanjay Chowk, Jail Road, P.S.- Dumra, Sitamarhi Bihar 843301

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard Mr. Abhishek Kumar Pandey, learned counsel
for the petitioner and Mr. Madhura Nand Jha, learned APP for
the State.

2. The petitioner is in judicial custody in connection
with G.R. Case No. 59/2024 arising out of Dumra P.S. Case No.
350/2024 for the offence punishable under Sections 310(4),
310(5) of the BNS, 25(1-b)a, 26/35 of Arms Act and
20/21/22/23/24 of NDPS Act lodged on 12.08.2024 by the
informant, Amrendra Kumar.

3. As per the prosecution story, the informant upon
secret information raided a place and found number of persons
who have been named as accused in the present case which
include Abhishek Kumar @ Vikas Kumar, Raju Kumar, Rajan
Kumar, Sanjay Kumar (petitioner herein), Pappu Kumar and



Abhishek Kumar @ Sonu and upon search, from Abhishek Kumar @ Vikash Kumar and Rajan Kumar, a loaded pistol with live cartridges, from Raju Kumar, 42 grams of smack as also a motorcycle and from Sanjay Kumar, a motorcycle was/were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, there is no recovery of fire-arms from him, he has been shown as the person in possession of the motorcycle which does not belong to him and to his knowledge, no FIR regarding the said motorcycle is on record and that is why it has been incorporated in para-3 that he do not have criminal antecedent. The last submission is that he is in custody since 13.08.2024 (para-12 of the petition) and if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that he was in possession of a motorcycle which does not belong to him and probably it may be a stolen one and further was present with the accused persons who were found to have been in possession of fire-arms.

6. Considering the aforesaid submissions put forward by the parties as also the fact that there is nothing on record to show anything about the motorcycle and as per para-3, it has



been submitted that he has no criminal antecedent, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the statement regarding para-3 is incorrect and he has criminal antecedent, the order shall become infructuous.

7. 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 Special Judge, Sitamarhi or any concerned Successor Court, in connection with G.R. Case No. 59/2024 arising out of Dumra P.S. Case No. 350/2024 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 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)

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