

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80382 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- KALYANPUR District- East Champaran

Raj Kapoor @ Raj Kapoor Kushawaha @ Raj Kapoor Son of Rajeshwar Prasad
Kushwaha Resident of village -Gariba, P.O.- Gariba, PS- Kalyanpur ,District-
East champaran Bihar 846001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 425 of 2023 instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code, Sections 8, 20(b)ii(c) of the N.D.P.S. Act and 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, all the FIR named accused persons including the petitioner were arrested on the spot, while they were assembled to commit loot-pat from the employee of the Finance Company. In course of search, one pistol and two live cartridges were recovered from the petitioner. It is further alleged that three packets Charas weighing 1.316 Kilogram kept



in Jhola has also been recovered.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No contraband has been recovered from the conscious possession of the petitioner rather the same has been recovered from the co-accused persons. Learned counsel further submitted that petitioner has no concern with the recovered contraband and arms and ammunitions. There is no compliance of Section 100 of the Cr.P.C. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. Petitioner is in custody since 28.11.2023 and has five criminal antecedents. The co-accused person has already been granted bail by this Bench vide order dated 23.02.2024 passed in Cr. Misc. No. 11547 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Kalyanpur P.S. Case No. 425 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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