

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83566 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- SITAMARHI District- Sitamarhi

Gopal Raut S/o- Late Kishori Raut Village- Koat Bazar Pani Tanki Chak
Mahila Ps Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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

ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 284 of 2024 instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act and Section 8/21 of the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence. On seeing the police-party, all the five miscreants including the petitioner tried to flee away but, they were apprehended by the police.



On search, the police recovered a folding knife from the possession of the petitioner. The police also recovered total 30 gram smack, knife, loaded country-made pistol with live cartridges and other incriminating articles from the possession of other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized articles. The quantity of Smack recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is on bail in all the



cases and is languishing in judicial custody since 02.05.2024 without any rhymes or reason. Charge-sheet has been submitted in the present case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The I.O., after completion of investigation, has submitted charge-sheet for offence under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act and Section 8/21 of the N.D.P.S. Act. Cognizance has also been taken against the petitioner. The petitioner has seven criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Sitamarhi P.S. Case No. 284 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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