

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10430 of 2024

Arising Out of PS. Case No.-1499 Year-2022 Thana- PHULWARISHARIF District- Patna

Jivan Kumar S/o Arvind Tanti, R/o Sonapur Dih, Sonapur, P.S.-Nayagaw,
District-Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Advocate
For the State : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 23-08-2024 Heard the parties.

2. The petitioner is in custody in connection with Phulwari P.S. Case No. 1499 of 2022 for the offence punishable under sections 399, 402, 411, 412, 413 and 414 of the Indian Penal Code and sections 25(1-B)A, 26 and 35 of Arms Act and 8(c) and 21(b) of the N.D.P.S Act, lodged on 06.12.2022 by the informant, Md. Safir Alam.

3. As per the prosecution story, the informant alleged that upon secret information, the police raided the under construction site and apprehended the accused persons present there, upon search from the pocket of this petitioner, two live cartridges and smack weighing 1.2 gram as also a mobile phone recovered/seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that



police only to implicate, as he has criminal antecedent, has put all these charges. He submits that without getting a report from the forensic lab, the police came to the conclusion that it is smack. Further submission is that similar situate Aman Kumar has been extended relief in Cr. Misc. No. 53307 of 2023 as also Imran Khan in Cr. Misc. No. 78908 of 2023.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Though, the petitioner is having criminal antecedent. Admittedly, he has remained in custody since 07.12.2022 (paragraph no.22 of the petition), as stated above, similar situate persons have been extended relief of bail, this Court is inclined to extend him the privilege of bail.

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 Additional District and Sessions Judge IV, Patna, in connection with Phulwari P.S. Case No. 1499 of 2022, 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/her 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 one year 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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