

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36323 of 2016

Arising Out of PS.Case No. -75 Year- 2015 Thana -MUZFFARPUR GRP CASE District-
MUZAFFARPUR

=====

1. Prabhu Sah, Son of Shiv Sah @ Shivraj Sah, resident of Village-
Sangrampur Mishra tola, P.S- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mundrika Ram, Advocate

For the Opposite Party/s : Mr. Sri Rajkishore Singh

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 30-08-2016

Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since
08.12.2015 in a case registered for the offences punishable
under Sections 328, 307, 379, 411/34 of the Indian Penal
Code and 8, 22 of the Narcotics Drugs and Psychotropic
Substances Act.

The prosecution case is that the informant got
down from Bihar Sampark Kranti Express on 07.12.2015 at
8.00 P.M. and due to non-availability of transport he stayed
at the platform of Muzaffarpur railway station, when four
persons came and gave tea with some intoxicant.
Subsequently, when the informant regained consciousness
he found himself in Muzaffarpur Sadar hospital. One of the



miscreants was apprehended by the police and the informant identified him, who disclosed his name as Prabhu Sah and his associates as Md. Hazi Anshari @ Hazi Miya Anshari, Munilal Sahni and Rameshi Sah and confessed his guilt. From the possession of the petitioner 21 sedative tablets were recovered.

It is submitted by the learned counsel for the petitioner that even assuming the accusation no offence under Sections 323, 307, 379, 411/34 of the Indian Penal Code is made out against the petitioner. The petitioner was not arrested on the spot. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P. Mr. J.N. Thakur, does not controvert this fact that the petitioner was not apprehended on the spot and only 21 sedative tablets were recovered from the possession of the petitioner.

Considering the nature of recovery and statement made in para-3 of the petition that petitioner has no criminal antecedent, let the above named 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 learned Rail Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Rail P.S. Case No. 75 of 2015.

The learned court below shall be

at liberty to cancel the bail bonds of the petitioner in case the petitioner got involved in some serious offence or defaults without any reasonable cause on three consecutive occasions.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--