

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22454 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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Shiva Kumar @ Uttam Kumar, son of Kamleshwari Das, resident of village-
Amba Pokhar, Marufchak, P.S.- Habibpur, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 24-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence punishable under section 401 of the Indian Penal code, Section 28A of the Indian Drugs and Cosmetic Act, 1940 and Section 147 of the I.R. Act.

Allegedly, four persons were arrested from Platform No.5 of Railway Station, Bhagalpur. On search from possession of the petitioner, four choklets and eight tablets of Ativon 2 mg were recovered from possession of the petitioner.

Submission is of false implication and that nothing has been recovered from conscious possession of the petitioner, he

has got no criminal antecedent, he has been made victim of the circumstances. Co-accused Bittu Kumar has already been allowed bail by the learned court below itself and, as such, the petitioner, who is suffering in custody since 12.9.2015, now deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the custody of the petitioner, now he is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Railway Magistrate, Bhagalpur in connection with Bhagalpur G.R.P.S. Case No.70 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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