

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32527 of 2017

Arising Out of PS. Case No.-133 Year-2016 Thana- Motipur District- Muzaffarpur

Chandan Kumar Son of Nandu Sahni Resident of Village-Harpur Lauhri
Sikandarpur P.S. Nagar Muzaffarpur District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Md. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5. 04-10-2017 Heard Smt. Kumari Sujata Sinha, learned counsel for the petitioner and Mr. Md. Ashlam Ansari, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail. Earlier, the prayer for bail of petitioner was rejected alongwith co-accused Anil Sahani on 15-12-2016, vide Cr. Misc. No. 44331 of 2016. The petitioner is in custody since 14-05-2016 in Motipur P.S. Case No. 133 of 2016 registered for offence under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b)a, 26(ii), 35 of the Arms Act, 1959 and Sections 20 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that it is true that in this case, by order dated 06-09-2017, a report was called for from the court below regarding stage of the case, however; after the said order, one of the co-accused, whose bail was rejected alongwith the petitioner namely Anil Sahani, has been granted bail by order dated 20-09-2017, vide Cr. Misc. No.



38053 of 2017. She further submits that in this case, all other co-accused have been granted bail, save & except the petitioner.

Considering the fact that the co-accused namely Anil Sahani, whose prayer for bail was earlier rejected with the petitioner on 15-12-2016 in Cr. Misc. No. 44331 of 2016, has already been granted bail on 20-09-2017, vide Cr. Misc. No. 38053 of 2017, there is no reason to further detain the petitioner and on the ground of parity, the petitioner deserves to be enlarged on bail.

Let the petitioner namely Chandan Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional District & Sessions Judge, Muzaffarpur in connection with Tr. No. 2 of 2017 (arising out of Motipur P.S. Case No. 133 of 2016), with condition that one of the bailor must be blood relation of the petitioner and during trial, the petitioner shall remain physically present on each and every date. If continuously on two dates, the petitioner fails to appear before the court below, without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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