

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12663 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- PARSABAZAR District- Patna

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SHASHI KUMAR KALI @ ASHWINI KUMAR SHASTRI Son of Sunil
Paswan Resident of Village - New Atwarpur, P.S.- Parsa Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 04-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Section 414 of the Indian Penal Code, under Section 20, 22 and 29 of the N.D.P.S. Act and under Section 25 (1-b)A, 26 and 35 of the Arms Act.

Informant who is a police officer has alleged in his written complaint that on receipt of a confidential information he along with other police personnel raided the house of co-accused Ganesh Kumar and apprehended petitioner, along with FIR named accused and recovered Brown Sugar and Ganja from the possession of other co-accused. It has been further alleged that two mobiles were recovered from the possession of the petitioner.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He has no concern with the recovery of Ganja and Brown Sugar. No incriminating material has been recovered from the possession of the petitioner. It has further been submitted that similarly placed co-accused, Om Prakash, has been granted bail by this Court vide order dated 22.02.2019 passed in Cr. Misc. No. 78581 of 2018. Petitioner has got no criminal antecedent and is in custody since 11.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Parsa Bazar P.S. Case No. 271 of 2018 (Special Case No. 102 of 2018)**, with following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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