

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48751 of 2019

Arising Out of PS. Case No.-75 Year-2002 Thana- PAROO District- Muzaffarpur

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Satyendra Kumar Sinha @ Satyendra Kumar Srivastava Son of Late Ram Nandan Srivastava Resident of Village - Mirzapur Bharpura, P.S.- Sonapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner apprehends his arrest in connection with Paroo P.S. Case No. 75 of 2002 registered for the offence under Section 414 of the Indian Penal Code and Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

The allegation against the petitioner as per the first information report lodged by Sub-Inspector of Paroo Police Station on 23.04.2002 that while on duty, the informant saw a motorcycle in which two riders coming towards the police party from the north side and after seeing the police party they left the motorcycle and fled away towards west side of bridge. The police recovered 13 Kg. Ganja from the motorcycle.



Mr. Suraj Narain Pd. Sinha, learned Senior counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the motorcycle which was seized by the police was already sold by the petitioner on 30.11.1998 which would evident from Annexure-4 and Annexure-4A of this application.

Learned Senior counsel further submits that after investigation police submitted final form not sending the petitioner for trial. However, learned Magistrate differed with the police report and by order dated 10.04.2019 took cognizance against the petitioner also.

After having heard learned counsel for the petitioner and learned counsel for the State and taking into consideration the fact that the police after investigation submitted final form not sending the petitioner from trial in 2011 and further the motorcycle had been sold by the petitioner in the year 1998 and petitioner is a railway employee having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Special Judge-cum-Sessions Judge, Muzaffarpur, in connection with Paroo P.S. Case No. 75 of 2002, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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