

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19564 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- CHIRAIYA District- East Champaran

1. ASHU SHARAN KUMAR SON OF KAMAL RAUT RESIDENT OF VILLAGE- BANARJHULA, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN
2. PAPPU SAH SON OF CHULHA SAH RESIDENT OF VILLAGE- BHAGAHIIYA, P.S.- PAKARIDAYAL, DISTRICT- EAST CHAMPARAN
3. ANIL KUMAR SON OF ANANDI SAHANI RESIDENT OF VILLAGE RAMBAN MALAHI TOLA P.S.- PAKARIDAYAL, DISTRICT- EAST CHAMPARAN

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-08-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Binod Kumar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with NDPS Case No. 64 of 2020 arising out of Chiraiya P.S. Case No. 303 of 2020 for the offences registered under Section 399, 402, 413 and 414 of the Indian Penal Code, Sections 25(1-b) a, 26, 35 of the Arms Act and

Section 20,22 of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

Learned counsel for the petitioners submits that as per the prosecution story, the informant on secret information reached at Goreya Baba Temple where one dozen miscreants were assembled and on seeing police they started fled away but on chase 13 persons including these petitioners got apprehended on eleven motorcycle.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that nothing incriminating has been recovered from the possession of these petitioners. The petitioners are in custody since 18.11.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that altogether 13 accused persons were arrested by police, so far as the petitioner No. 2 and 3 are concerned from their possession one motorcycle is said to have been recovered, however, no firearm or ammunition have been recovered from

the possession of any of these three petitioners, further consideration that the co-accused Vikki, Golu Kumar, Sushil Singh and Vijay Kumar from whose possession also a motorcycle, firearm and ammunition were recovered have been granted bail by learned coordinate Benches of this Court, so far as these petitioners are concerned they have got no criminal antecedent they are in custody in connection with this case since 18.11.2020, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners on bail furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge Special Judge, Motihari, East Champaran in connection with NDPS Case No. 64 of 2020 arising out of Chiraiya P.S. Case No. 303 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly

make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed thier criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.