

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22515 of 2021

Arising Out of PS. Case No.-653 Year-2020 Thana- KANTI District- Muzaffarpur

BITTU KUMAR SON OF CHANDRADEV SAH R/O VILLAGE-
MURADPUR DULLAR, P.S.- AHYAPUR, DISTRICT- MUZAFFARPUR.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Yugal Kishore, Advocate.
For the State : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.653 of 2020 registered with Police Station-Kanti for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as under Sections 25(1-b)a read with Sections 26 and 35 of the Arms Act and under Section 20 read with Section 22 of the N.D.P.S. Act, by this application is seeking his release on bail after filing of the charge-sheet.

Applicant is behind the bars since 31.10.2020.

Heard learned counsel appearing for the applicant/accused. He submits that in the instant case there is no averment regarding the conscious possession or even the possession of contraband by the applicant. It is alleged that one knife is recovered from the applicant. He submits that necessary provisions of law are not followed by the



Investigating Officer.

Learned Prosecutor opposed the application by contending that applicant was apprehended on the spot.

Learned counsel for the applicant placed on record the copy of the order dated 09.07.2021 in respect of the co-accused Amit Kumar alias Rahul passed in Criminal Misc. No.18855 of 2021 to point out that this accused from whom contraband is seized, is already released on bail by this Court.

I have considered the submissions so advanced and also perused the F.I.R.

The secret information was in respect of the possession and trade of the contraband. The first informant along with his staff had apprehended three persons whereas two managed to flee away from the spot. The applicant is one of them. It is averred that they were making preparation of dacoity. In personal search of co-accused, Charas is seized. However, so far as this applicant is concerned, recovery is of one knife. Co-accused Amit Kumar alias Rahul who is shown to be possessing the loaded country made revolver is already released on bail by this Court. Therefore, the order:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.653 of 2020



registered with Police Station-Kanti for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as under Sections 25(1-b)a read with Sections 26 and 35 of the Arms Act and under Section 20 read with Section 22 of the N.D.P.S. Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him and shall be properly represented on each and every date fixed by the learned court below and shall remain physically present, as directed by the learned court below, and on his absence on two consecutive dates without sufficient cause, his bail bond shall be cancelled by the learned court below.



(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

U		T	
---	--	---	--

