

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28150 of 2021**

Arising Out of PS. Case No.-452 Year-2020 Thana- MAHUA District- Vaishali

KISHAN KUMAR S/O SURESH SINGH R/O VILLAGE MURADPUR,
P.S.-MAHUA, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 09-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahua P.S. Case No.452 of 2020 registered for the offence punishable under Sections 413, 414, 467, 468, 471, 420/34 of the Indian Penal Code and sections 20, 22, 23, 27(A) of the N.D.P.S. Act.

The prosecution case in short is one Lakshman Kumar was apprehended with a bag containing articles like *charas* weighing approximately 1 kg 30 gms, one laptop, 32 ATM



Cards of different banks and from pocket Rs. 15,000/- was recovered. It is alleged that the said accused disclosed that he was going to sell these articles and waiting for his partners i.e. petitioner and two others.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case by the police. Name of petitioner transpired in the case only on the basis of the statement of co-accused. There is a dispute between the petitioner and the apprehended accused and that is why, he has taken name of this petitioner due to grudge. He was not apprehended at the spot nor any incriminating article has been recovered from the conscious physical possession of the petitioner. The said recovery has been made from the co-accused. Petitioner was arrested after three months of the FIR and there is no direct allegation against the petitioner. The petitioner has one criminal antecedent and has been languishing in custody since 07.11.2020, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and that there is no direct allegation against the petitioner, the



above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Vaishali, Hajipur, in connection with Mahua P.S. Case No.452 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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