

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34948 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- KATHAIYA District- Muzaffarpur

CHHOTU KUMAR MALAKAR @ CHHOTU KUMAR S/o Bhola Bhagat
@ Bhola Bhagat Malakal Resident of Village- Rajepur, P.S.- Sahebganj,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.SK Tiwary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 414 and other ancillary sections of the Indian Penal Code and section 25(1-B)a/26/35 of the Arms Act and sections 8,20,22 of the NDPS Act.

As per the prosecution case, on the secret information raid was conducted and three persons were arrested and a country made pistol, 20 grams of charas and two motorcycle were recovered from them. They disclosed the name of the petitioner as their associate.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner's name has



figured during course of investigation in confessional statement of co-accused. He is in custody since 5.11.2020. Investigation is complete.

Considering the facts and circumstances of the case, let the petitioner named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge cum Special Judge Muzaffarpur in Kathaiya Police Station Case No. 116 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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