

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38617 of 2021**

Arising Out of PS. Case No.-245 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

DIPESH KUMAR S/O CHULHAI SINGH R/O VILLAGE-KHANPUR @  
BAIDHNATHPUR, PS-AHIYAPUR, DISTRICT-MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      24-09-2021                      Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 399, 402, 411, 414/34 of the Indian Penal Code, and u/s 25(1-b)a, 26, 35 of Arms Act and u/s 20/22 of NDPS Act.

As per the prosecution case, one country made pistol, one live cartridge and one smart phone have been recovered from the possession of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. The recovery of Narcotic and Psychotropic substance has been made from the possession of other accused persons. Petitioner claims clean antecedent and



is in custody since 04.04.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Muzaffarpur in connection with Ahiyapur PS case No. 245/2021 (NDPS Case No. 33/2021) 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.

BKS/-

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**(Prabhat Kumar Singh, J)**

