

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31847 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Kundan Kumar, aged 24 years (male), Son of Late Barho Saw @ Baru Saw,
R/O - Chhoti Nagla, Adarsh Colony, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the State : Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Nityanand Kumar, learned counsel for the petitioner and Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Chowk PS Case No. 191 of 2020 dated 01.06.2020 (Special Case No. 78 of 2020), instituted under Sections 399/402 of the Indian Penal Code, 25(1-B)(a)/26/35 of the Arms Act and 8/20(b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The specific allegation against the petitioner is that he was caught along with others from whom there has been recovery of narcotic but from the petitioner the recovery is of three live cartridges in a magazine.



4. Learned counsel for the petitioner submitted that though he is accused in two other cases but his name has been introduced in those cases after he was caught in the present case. It was further submitted that the petitioner is in custody since 02.06.2020.

5. Learned APP submitted that from the petitioner, three live cartridges in a magazine has been recovered. However, he did not controvert that there is no recovery of any narcotic from him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, Patna in Chowk PS Case No. 191 of 2020 (Special Case No. 78 of 2020), subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence



the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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